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HISTORY

OF THE

UNITED STATES,

FROM THE

DISCOVERY OF THE AMERICAN CONTINENT.

BY

GEORGE BANCROFT.

VOL. X.

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LITTLE, BROWN, AND COMPANY.

1874.

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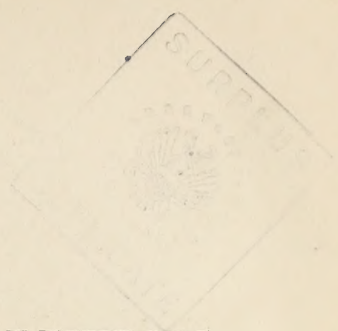
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THE



AMERICAN REVOLUTION.

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P R E F A C E.

THE papers which I obtained from the French archives when Mr. Mignet had them in charge, have been of the greatest benefit in preparing this volume. Important aid has been derived from the exceedingly copious and as yet unedited cabinet correspondence of Frederic the Second of Prussia with his foreign ministers in England, France, the Netherlands, Denmark, and Russia. In choosing from this vast mass of materials, I received the most friendly assistance from the superintendent, Mr. Dunker, and from Mr. Friedländer. Extracts from these letters, which are all written in the French language, will be published in Paris. I sought for some expression, on the part of Frederic, of a personal interest in Washington; but I found none. The Chevalier von Arneth, so honorably known as historian, editor, and critic of integrity and acuteness, had the exceeding goodness to direct for me an examination of the archives at Vienna; very many reports from the Austrian ambassadors in London and Paris were copied for me under his direction. They assist to define exactly the pressure under which Vergennes entered upon measures for mediation and for peace.

Mr. Frederic Kapp rendered me the best service in negotiating on my behalf for the purchase of ample collections

of letters and journals of German officers who served in America. In Vienna are preserved the reports of an agent sent from Brussels to the United States in the interest of Belgian commerce. Of the best of these, Mr. De la Plaine, of the American legation in Austria, took copies of which he generously made me a present. Mr. Schuyler, lately of our legation at Petersburg, communicated to me all that he could find on earlier American affairs in the archives at Moscow. My transcripts from the Dutch archives, for which I had formerly much occasion to feel obliged to Mr. W. Groen van Prinsterer, have been largely increased through the intervention of my friend Count de Bylandt.

My request to make further researches in the English archives was cheerfully granted, and in the most liberal terms, by the Earl of Granville, and the permission was continued by the Earl of Derby. Indeed, there seemed to prevail in the foreign office a readiness to let every thing be investigated and made known respecting the past policy of Great Britain toward the United States. The American government has manifested the same disposition, and this I hold to be wise. The two great cosmopolitan nations are entering on a new era in their relations to one another; and their statesmen may mutually derive lessons alike from the errors which disturbed the past, and from what was done well. The rule in natural science that "life divides" is equally true of nations. The United States and Great Britain will each live its great and divergent life; but it is to be hoped that the same ideas of freedom, truth, and justice will be developed in them both, and bring them nearer each other.

I have specially to thank Lord Tenterden for having favored me with copies of papers which establish the correctness of my narrative where it had been unjustly called in question. My best thanks are also due to Mr.

Alfred Kingston, of the Public Record Office, for the very obliging manner in which he gives effect to the permission granted me, and aids my researches.

To Mr. Spofford, of Washington, I owe two volumes of the manuscript correspondence of General Greene. Mr. Seward, in the State Department, and his successor Mr. Fish, with equal friendliness furnished me with documents which I needed from our own records. The late Joseph H. Lewis intrusted to me the very voluminous professional and private correspondence of General Wayne. I was also aided materially by the late Governor Andrew and by Secretary Warner of Massachusetts, by the late Senator Mason of Virginia, by Mr. George S. Bryan, and by the never-failing friendship of Mr. Brantz Meyer, Mr. J. Carson Brevoort, and Mr. George H. Moore. On the character of Alexander Hamilton, I sought and obtained instruction from the late President Nott, as well as from the late Mr. Church, who was Hamilton's secretary in his last period of military service. On two points I follow the verbal communications of Madison; and it was not without fruit that I once passed a day with John Adams.

With regard to the peace between the United States and England, I think I might say that my materials in their completeness are unique. Of the letters of the American commissioners, nearly all are in print; yet I have been able to make gleanings from unpublished papers of them all, and have full reports of their conversations with the British representatives. On the French side, I have papers drawn up for the guidance of the negotiation; the reports of Rayneval from England to Vergennes, repeated in the accounts addressed by Vergennes himself to Montmorin, the French ambassador at Madrid, and to Luzerne, the French minister at Philadelphia. On the British side, I have the official letters of Shelburne and

Secretary Townshend, and of every member of the British commission ; beside a profusion of the private letters and papers of Shelburne and of Oswald. I have also the private papers, as well as the official ones, of Strachey ; and the courtesy of the present head of the family voluntarily gave consent to the unrestricted use of them.

The Marquis of Lansdowne, of 1848, was persuaded that no letters existed from George the Third to his father while first minister ; but assured me from his father that the king did nothing to obstruct the peace with the United States. Passing lately through London, Lord Edmond FitzMaurice was so good as to inform me that the numerous original letters of the king to Lord Shelburne had been discovered ; and he allowed me to make transcripts from them all, as well as from fragments of Lord Shelburne's autobiography. This generosity was all the greater, as Lord FitzMaurice will himself write a biography of his ancestor.

The conduct of Shelburne, Townshend, and the younger Pitt, in 1782, in the negotiations for peace with America, are marked by liberality and candor ; but as to the administration of Lord North, English opinion will finally decide that it no more deserves to be recognised as the expression of the British mind on the fit methods of colonial administration than the policy of James the Second to be accepted as the proper exponent of English liberty.

From these and other materials, it has been possible to place some questions of European as well as of American history in a clearer light. The embarrassments of Vergennes, arising alike from his entanglements respecting Gibraltar, and the urgency of his king for peace, explain and justify the proceedings of the American commissioners in signing preliminaries of peace in advance. It will appear how much Frederic the Second aided America by

encouraging France to enter into the war for her independence. The interest of this exposition is heightened rather than impaired by the fact that his motives sprung from his love to his own people. It also becomes certain that the Empress Catharine promulgated her naval code, not in ignorance of its character as has been hitherto stated, but with a full knowledge of what she was doing; and that she practised on the British minister at Petersburg no other cajolery than was needed to make him the channel through which the code was communicated to Great Britain, so that direct crimination might be avoided. The contemporary documents show that England declared war on the Dutch republic, solely to prevent her from being unconditionally received into the armed neutrality. I have been able from new materials to trace the division between the North and the South, arising from slavery, further back than had as yet been done. As to separatism, or the exaggerated expression of what we call States Rights, it did not grow out of the existence of slavery, but out of an element in human nature. The much agitated question as to the time and manner of the abolition of slavery in Massachusetts finds itself solved without going from home: the witness was at the door. The conduct of Shelburne in making peace between the two countries is made clear from his own words and acts. The part taken by Franklin in initiating and forwarding the negotiation for peace is illustrated, not from his own letters alone, but from those of Oswald and others. In England it was never misapprehended. It is worth noticing that, though the negotiators on each side reciprocally marked the boundary agreed upon by a well-defined line on the map, yet, during the strife which was kept up about it for half a century, the American government did not catch a glimpse of this evidence till a treaty of compromise was ratified, and the map

of Oswald was not produced till the British ministry that made the compromise had to defend it in parliament. It appears further that, late as was the participation of John Adams in the negotiation, he came in time to secure to New England its true boundary on the north-east. Adams and Franklin had always asked for the continuance of the accustomed share in the coast fisheries; and they were heartily supported by Jay, who had in congress steadily voted against making the demand. The requirement of the change in the form of Oswald's commission, so grateful to the self-respect of America, is due exclusively to Jay.

It is good to look away from the strifes of the present hour, to the great days when our country had for its statesmen Washington and John Adams, Jefferson and Hamilton, Franklin and Jay, and their compeers. The study of those times will always teach lessons of moderation, and of unselfish patriotism.

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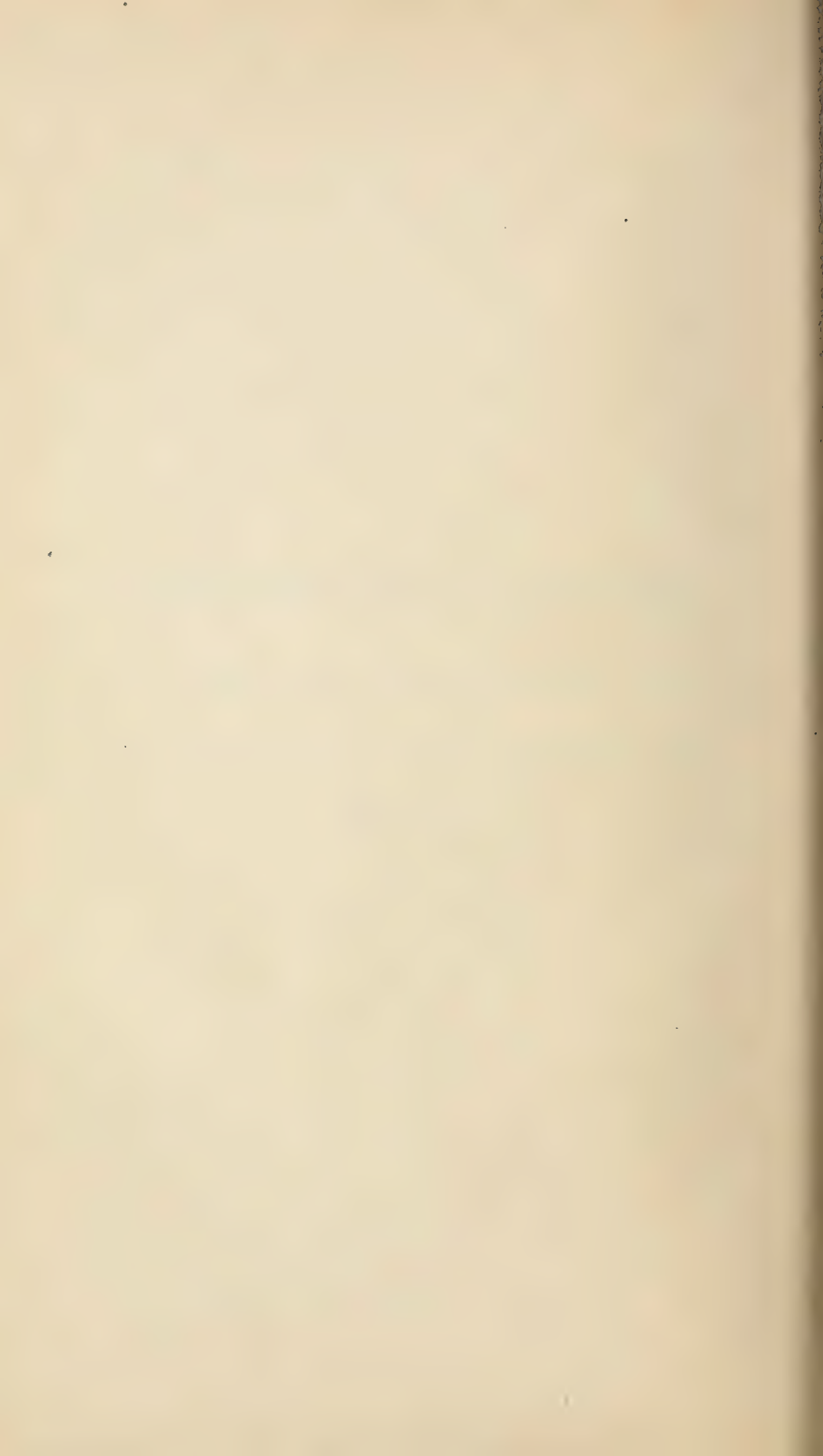
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THE
AMERICAN REVOLUTION.

EPOCH FOURTH CONTINUED.

PEACE BETWEEN AMERICA AND GREAT BRITAIN.

1778-1782.



P E A C E
BETWEEN THE
UNITED STATES OF AMERICA
AND
G R E A T B R I T A I N .

CHAPTER I.

EUROPE AND AMERICAN INDEPENDENCE.

1778.

THE alliance of France with the United States brought the American question into the heart of Europe, where it called new political aspirations into activity, waked the hope of free trade between all the continents, and arraigned the British ministry at the judgment-seat of the civilized world. England could recover influence in the direction of external affairs only by a peace with her colonies. American independence was to be decided, not by arms alone, but equally by the policy and the sympathies of foreign princes and nations.

CHAP.
I.
1778.

Both the great belligerents were involved in contradictions at home. The government of England, in seeking to suppress in her dependencies English rights by English arms, made war on the life of her

CHAP. own life. Inasmuch as the party of freedom and
I. justice, which is, indeed, one for all mankind, was at
1778. least seen to be one and the same for the whole English race, it appeared more and more clearly that the total subjugation of America would be the prelude to the repression of liberty in the British isles.

In point of commercial wealth, industry, and adventurous enterprise, England at the time had no equal; in pride of nationality, no rival but France: yet her movements were marked by languor. There was no man in the cabinet who could speak words of power to call out her moral resources, and harmonize the various branches of the public service. The country, which in the seven years' war had been wrought by the elder Pitt to deeds of magnanimity, found in the ministry no representative. Public spirit had been quelled, and a disposition fostered to value personal interest above the general good. Even impending foreign war could not hush the turbulence of partisans. The administration, having no guiding principle, held its majority in the house of commons only on sufferance, its own officials only by its control of patronage. Insubordination showed itself in the fleet and in the army, and most among the officers. England had not known so bad a government since the reign of James the Second. It was neither beloved nor respected, and truly stood neither for the people nor for any party of the aristocracy; neither for the spirit of the time, nor for the past age, nor for that which was coming. It was a conglomerate of inferior and heterogeneous materials, totally unfit to guide the policy of a mighty empire, endured only during an interim.

The period in British history was one of great and increasing intellectual vigor. It was distinguished in philosophy by Hume and Reid and Price and Adam Smith; in painting by Reynolds; in poetry and various learning by Gray and Goldsmith, Johnson and Cowper; in legislative eloquence by Chatham, Burke, and Fox; in history by Gibbon; in the useful arts by Brindley, Watt, and Arkwright. That the nation, in a state of high and advancing culture, should have been governed by a sordid ministry, so inferior to itself as that of Lord North, was not due to the corruption of parliament alone; for there was always in the house of commons an independent fraction, disposed to give its votes with judicial fairness. It cannot be fully explained without considering the chaotic state of political parties.

CHAP.
I.
1778.

The conflict between England and her American colonies sprang necessarily out of the development of British institutions. The supreme right of parliament as the representative of English nationality, and bound to resist and overthrow the personal government of the Stuarts, was the watchword of the revolution of 1688, which had been dear to America as the death-blow to monarchical absolutism throughout the English dominions, and as the harbinger of constitutional liberty for the civilized world. Parliament again asserted its paramount authority over the crown, when by its own enactment it transferred the succession to the house of Hanover. These revolutions could not have been achieved except through a categorical principle that would endure no questioning of its rightfulness. Such a principle could not submit to modifications, until it had accomplished its work;

CHAP. and, as it was imbedded with the love of liberty in
1778. the mass of the English nation, it had moved and
acted with the strength and majesty of a national
conviction.

In the process of years the assertion of the supreme power of parliament swiftly assumed an exaggerated form, and was claimed to extend, without limit, over Ireland and over the colonies; so that the theory which had first been used to rescue and secure the liberties of England became an instrument of despotism. Meantime both branches of parliament were but representatives of the same favored class; and the kings awakened no counterpoising sentiment of loyalty so long as the house of Hanover, the creature of parliament, was represented by princes of foreign birth, ignorant of the laws and the language of the land.

In this manner the government was conducted for a half century by the aristocracy, which, keeping in memory the days of Cromwell and of James the Second, were led into the persuasion that the party of liberty, to use the words of Rockingham, was that which "fought up against the king and against the people."

But by the side of the theory of absolute power concentrated in parliament, which had twice been the sheet-anchor of the English constitution, there existed the older respect for the rights of the individual, and the liberties of organized communities. These two elements of British political life were brought into collision by the American revolution, which had its provocation in the theory of the omnipotence of parliament, and its justification in the eyes of English-

men in the principle of vital liberty diffused through all the parts of the commonwealth. The two ideas struggled for the ascendancy in the mind of the British nation and in its legislature. They both are so embalmed in the undying eloquence of Burke, as to have led to the most opposite estimates of his political character. They both appear in startling distinctness in the speeches and conduct of Fox, who put all at hazard on the omnipotence of parliament, and yet excelled in the clear statement of the attitude of America. Both lay in irreconciled confusion in the politics of Rockingham, whose administration signalized itself by enacting the right of the king, lords, and commons of Britain to bind America in all cases whatsoever, and humanely refused to enforce the claim. The aristocratic party of liberty, organized on the principle of the absolute power of parliament, in order to defeat effectually, and for all time, the designs of the king against parliamentary usages and rights, had done its work and outlived its usefulness. In opposition to the continued rule of an aristocratic connection with the device of omnipotence over king and people, there rose up around the pure and venerable form of Chatham a new liberal party, willing to use the prerogative of the king to moderate the rule of the aristocracy in favor of the people.

CHAP.
I.
1778.

The new party aimed at a double modification of the unrestricted sovereignty of parliament. The elder Pitt ever insisted, and his friends continued to maintain, that the commons of Great Britain had no right to impose taxes on unrepresented colonies. This was the first step in the renovation of English liberty. The next was, to recognise that parliament

CHAP. as then composed did not adequately represent the
 I. nation ; and statesmen of the connection of Rocking-
 1778. ham desperately resisted both these cardinal principles
 of reform. This unyielding division among the oppo-
 nents of Lord North prolonged his administration.

Besides, many men of honest intentions, neither wishing to see English liberties impaired, nor yet to consent to the independence of the colonies, kept their minds in a state of suspense ; and this reluctance to decide led them to bear a little longer the ministry which alone professed ability to suppress the insurrection : for better men would not consent to take their places coupled with the condition of continuing their policy. Once in a moment of petulance Lord George Germain resigned ; and the king, who wished to be rid of him, regarded his defection as a most favorable event.¹ But he was from necessity continued in his office, because no one else could be found willing to accept it.

In the great kingdom on the other side of the channel, antagonistic forces were likewise in action. As the representative of popular power, France had in reserve one great advantage over England in her numerous independent peasantry. Brought up in ignorance and seclusion, they knew not how to question anything that was taught by the church or commanded by the monarch ; and, however they might for the present suffer from grievous and unredressed oppression, they constituted the safeguard of order as well as of nationality.

It was in the capital and among the cultivated classes of society, in coffee-houses and saloons, that

¹ King to Lord North, 3 March, 1778.

the cry rose for reform or revolution. The French king was absolute; yet the teachings of Montesquieu and the example of England raised in men of generous natures an uncontrollable desire for free institutions; while speculative fault-finders, knowing nothing of the self-restraint which is taught by responsibility in the exercise of office, indulged in ideal anticipations, which were colored by an exasperating remembrance of griefs and wrongs. France was the eldest daughter of the Roman church, with a king who was a sincere though not a bigoted Roman Catholic: and the philosophers carried their impassioned war against the church to the utmost verge of skepticism and unbelief; while a suspicion that forms of religion were used as a mere instrument of government began to find its way into the minds of the discontented laboring classes in the cities. But, apart from all inferior influences, the power of generalization, in which the French nation excels all others, imparts from time to time an idealistic character to its policy. The Parisians felt the reverses of the Americans as if they had been their own; and in November, 1776, an approaching rupture with England was the subject of all conversations.¹

The American struggle was avowedly a war in defence of the common rights of mankind. The Prince de Montbarey, who owed his place as minister of war to the favor of Maurepas and female influence, and who cherished the prejudices of his order without being aware of his own mediocrity, professed to despise the people of the United States as formed from emigrants for the most part without character

¹ Goltz to Frederic, 14 Nov., 1776.

CHAP. I. and without fortune, ambitious and fanatical, and
 likely to attract to their support "all the rogues and
 1778. the worthless from the four parts of the globe."¹ He
 had warned Lafayette against leaving his wife and
 wasting his fortune to play the part of Don Quixote
 in their behalf; and had raised in the council his
 feeble voice against the alliance of France with the
 insurgents. He regarded a victory over England as
 of no advantage commensurate with the dangerous
 example of sustaining a revolt against established
 authority. Besides, war would accumulate disorder
 in the public finances, retard useful works for the
 happiness of France, and justify reprisals by Great
 Britain on the colonies of the Bourbon princes.

It was against the interior sentiment of the king,²
 the doubts of Maurepas, and the vivid remonstrances
 of the minister of war, that the lingering influence
 of the policy of the balance of power, the mercantile
 aspirations of France, its spirit of philosophic free-
 dom, its traditional antagonism to England as aiming
 at the universal monarchy of commerce and the seas,
 quickened by an eagerness to forestall a seemingly
 imminent reconciliation³ with the colonies, forced
 the French alliance with America.

Just thirty-eight years before, when Maurepas was
 in the vigor of manhood, he had been famed for his
 aversion to England, and for founding his glory on
 the restoration of the French navy.⁴ In the admin-
 istration of Cardinal Fleury, he was thought to have
 had the mind of the widest range; and it was in those

¹ Mémoires Autographes de
 Montbarey, ii. 260, 262, 293-5,
 309.

² Ibid., 210.

³ Goltz to Frederic, 1 Jan., 1778.

⁴ Droysen, Friedrich der Grosse,
 i. 106, note 2.

days predicted of him, that he would lead France to accomplish great results, if he should ever become the director of the government.¹ At length he was raised to be first minister by a king who looked up to him with simple-minded deference and implicit trust. The tenor of his mind was unchanged; but he was so enfeebled by long exclusion from public affairs and the heavy burden of years and infirmities, that no daring design could lure him from the love of quiet. By habit he put aside all business which admitted of delay, and shunned every effort of heroic enterprise. When the question of the alliance with America became urgent, he shrunk from proposing new taxes, which the lately restored parliaments might refuse to register; and he gladly accepted the guarantee of Necker, that all war expenditures could be met by the use of credit, varied financial operations, and reforms. It was only after the assurance of a sufficient supply of money from loans, of which the repayment would not disturb the remnant of his life, that he no longer attempted to stem the prevailing opinion of Paris in favor of America. The same fondness for ease, after hostilities were begun, led him to protect Necker from the many enemies who, from hatred of his reforms, joined the clamor against him as a foreigner and a Calvinist.

The strength of the cabinet lay in Vergennes, whose superior statesmanship was yet not in itself sufficient to raise him above the care of maintaining himself in favor. He secured the unfailing good-will of his sovereign by his political principles, recognising no authority of either clergy, or nobility, or third

¹ Droysen, Friedrich der Grosse, i. 106, note 1.

CHAP. I. estate, but only a monarch to give the word, and all,
 1778. as one people, to obey. Nor did he ever for a moment forget the respect due to Maurepas as his superior, so that he never excited a jealousy of rivalry. He had no prejudice about calling republics into being, whether in Europe or beyond the Atlantic, if the welfare of France seemed to require it; he had, however, in his earliest approaches to the insurgent colonies, acted in conjunction with Spain, which he continued to believe would follow France into the war with England; and in his eyes the interests of that branch of the house of Bourbon took precedence over those of the United States, except where the latter were precisely guaranteed by treaty.

Not one of the chiefs of the executive government, not even the director-general of the finances, was primarily a hearty friend to the new republic: the opinion of Necker was in favor of neutrality, and his liberalism, though he was a Swiss by birth, and valued the praises of the philosophic world, did not go beyond admiration of the political institutions of England.

The statesmen of the nation had not yet deduced from experience and the intuitions of reason a system of civil liberty to supersede worn-out traditional forms; and the lighter literature of the hour, skeptical rather than hopeful, mocked at the contradiction between institutions and rights. "Gentlemen of America," wrote Parny, at Paris, just before the alliance between France and the United States, "what right have you, more than we, to this cherished liberty? Inexorable tyranny crushes Europe; and you, lawless and mutinous people, without kings and without queens, will you dance to the clank of the chains which weigh

down the human race? And, deranging the beautiful equipoise, will you beard the whole world, and be free?"¹ Mirabeau wrote a fiery invective against despotism from a prison, of which his passionate imploring for leave to serve in America could not open the doors. CHAP.
I.
1778.

Until chastened by affliction, Marie Antoinette wanted earnestness of character, and suffered herself to be swayed by generous caprices, or family ties, or the selfish solicitations of her female companions. She had an ascendancy over the mind of the king, but never aspired to control his foreign policy, except in relation to Austria; and she could not always conceal her contempt for his understanding. It was only in the pursuit of offices and benefits for her friends that she would suffer no denial. She did not spare words of angry petulance to a minister who dared to thwart her requests; and Necker retained her favor by never refusing them. To find an embassy for the aged, inexperienced, and incompetent father-in-law² of the woman whom she appeared to love the most, she did not scruple to derange the diplomatic service of the kingdom. For the moment her emotions ran with the prevailing enthusiasm for the new republic; but they were only superficial and occasional, and could form no support for a steady conduct of the war.

It was the age of personal government in France. Its navy, its army, its credit, its administration, rested absolutely in the hands of a young man of four-and-twenty, whom his Austrian brother-in-law described

¹ *Épître aux Insurgents*. Œuvres de Parny, ed. 1862, 343.

² Goltz to Frederic, 9 October, 1777.

CHAP. as a child. He felt for the Americans neither as
I. insurgents against wrongs nor as a self-governing
1778. people; and never understood how it came about
that, contrary to his own faith in unlimited monar-
chical power and in the Catholic church, his king-
dom had plunged into a war to introduce to the
potentates of the civilized world a revolutionary Prot-
estant republic.

France was rich in resources; but its finances
had not recovered from their exhaustion in the seven
years' war. Their restoration became hopeless, when
Necker promised to employ the fame of his severer
administration only to add new weight to debts which
were already escaping beyond control. The king of
Prussia, whose poverty made him a sharp observer of
the revenues of wealthier powers, repeatedly fore-
told the bankruptcy of the royal treasury, if the
young king should break the peace.

All this while Paris was the centre of the gay
society and intelligence of Europe. The best artists
of the day, the masters of the rival schools of music,
crowded round the court. The splendor of the
Bourbon monarchy was kept up at the Tuileries
and Versailles with prodigal magnificence; and in-
vention was ever devising new methods of refined
social enjoyment. The queen was happy in the
dazzling scenes of which she was the life; the king
pleased with the supreme power which he held it
his right to exercise. To France, the years which
followed are the most glorious in her history; for
they were those in which she most consistently and
disinterestedly fought for the liberties of mankind,
and so prepared the way for her own regeneration,

and the overthrow of feudalism throughout Europe: but Louis the Sixteenth and Marie Antoinette, when they embarked for the liberation of America, pleasure on the prow, and the uncertain hand of youth at the helm, might have cried out to the young republic which they fostered: "Morituri te salutant," "The doomed to die salute thee."

The Catholic king might love to avenge himself on England by worrying her with chicanes and weakening her by promoting dissensions in her dominions; but he had learned from experience to recoil from war, and longed for tranquillity in his old age. A very costly and most unsuccessful expedition against Algiers, and a protracted strife with Portugal respecting the extension of Brazil to the La Plata, where Pombal by active forethought long counterbalanced superior power, had wasted the resources of his world-wide monarchy. Its revenue amounted to not much more than twenty millions of dollars, and a large annual deficit rapidly increased the public debt. Every consideration of sound policy enjoined upon the ruler of Spain to husband for his land the blessings of peaceful times; and, above all, as the great possessor of colonies, to avoid a war which was leading to the complete and irretrievable ruin of the old colonial system.

The management of its foreign dependencies — colonies they could not properly be called, nor could Spain be named their mother country — was to that kingdom an object of anxiety and never-sleeping suspicion, heightened by a perpetual consciousness that the task of governing them was beyond its ability. The total number of their inhabitants greatly

CHAP.
I.
1778.

CHAP. exceeded its own. By their very extent, embracing,
I. at least in theory, all the Pacific coast of America;
1778. and north of the Gulf of Mexico the land eastward
to the Mississippi, or even to the Alleghanies, it
could have no feeling of their subordination. The
remoteness of the provinces on the Pacific still more
weakened the tie of supremacy, which was nowhere
confirmed by a common language, inherited traditions,
or affinities of race. There was no bond of patriot-
ism, or sense of the joint possession of political rights,
or inbred loyalty. The connection between rulers
and ruled was one of force alone; and the force was
in itself so very weak that it availed only from the
dull sluggishness of the governed. Distrust marked
the policy of the home government, even toward
those of its officials who were natives of Spain; still
more toward the Creoles, as the offspring of Spaniards
in America were called. No attempt had been made
to bind the mind of the old races, except through the
Roman religion, which was introduced by the sword
and maintained by methods of superstition. There
was, perhaps, never a time when the war-cry of the
semi-barbarous nations who formed the bulk of the
population was not heard somewhere on their bor-
der. The restraints on commerce were mischievous
and vexatious, prompted by fear, and provoking
murmurs and frauds.

Moreover, all the world was becoming impatient
that so large a portion of the globe should be monop-
olized by an incapable and decrepit dynasty. The
Dutch and the British and the French sought oppor-
tunities of illicit trade. The British cut down forest-
trees, useful in the workshop and the dye-house, and

carried them off as unappropriated products of nature. CHAP.
The Russian flag waved on the American shore of the I.
North Pacific. —————
1778.

To all these dangers from abroad, Charles the Third had added another, by making war on the so-called company of Jesus. Of the prelates of Spain, seven archbishops and twenty-eight bishops, two-thirds of them all, not only approved the exile of the order from his dominions, but recommended its total dissolution; while only one bishop desired to preserve it without reform. With their concurrence, and the support of France and Portugal, he finally extorted the assent of the pope to its abolition. But before the formal act of the see of Rome, on the second of April, 1767, at one and the same hour in Spain, in the north and south of Africa, in Asia, in America, in all the islands of the monarchy, the royal decree was opened by officials of the crown, enjoining them immediately to take possession of its houses, to chase its members from their convents, and within twenty-four hours to transport them as prisoners to some appointed harbor. These commands were followed with precision in Spain, where the Jesuit priests, without regard to their birth, education, or age, were sent on board ships to land where they could. They were executed less perfectly in Mexico and California, and still less so along the South Pacific coast and the waters of the La Plata.

But the power of Spain in her colonies had been promoted by the unwearied activity of the Jesuits. Their banishment weakened her authority over Spanish emigrants, and still more confused the minds of the rude progeny of the aborigines. In Paraguay,

CHAP. I. where Spanish supremacy had rested on Jesuits alone, who had held in their hands all the attributes of Caesar and pope, of state and church, the revolution which divided these powers between a civil chief and Dominicans, Franciscans, and monks of the Lady of Mercy, made a fracture that never could be healed. It was as colonial insurgents that Spain dreaded the Americans, not as a new Protestant power. The antipathy of the king to the United States arose from political motives: by the recognition of their independence, he was threatened with a new, unexpected, and very real danger in all his boundless viceroyalties. There could be no fear of a popular rising in any of them to avenge a breach of political privileges; but as they had been won by adventurous leaders, so a priest, an aboriginal chief, a descendant of an Inca, might waken a common feeling in the native population, and defy the Spanish monarch. Jesuits might find shelter among their neophytes, and reappear as the guides of rebellion. One of their fathers has written: "When Spain tore evangelical laborers away from the colonies, the breath of independence agitated the New World, and God permitted it to detach itself from the Old."¹

The example of the United States did not merely threaten to disturb the valley of the Mississippi; but, as epidemic disease leaps mysteriously over mountains and crosses oceans, spores of discontent might be unaccountably borne, to germinate among the many-tongued peoples of South America. All alluring promises of lowering the strength of England

¹ Charles III. et les Jésuites de ses états d'Europe et d'Amérique en 1767. Documents inédits, publiés par le p. Auguste Carayon de la compagnie de Jésus, lxxxvi. et lxxxvii.

could soothe Florida Blanca no more. His well-
grounded sensitiveness was inflamed, till it became
a continual state of morbid irritability; and, from
the time when the court of France resolved to treat
with the Americans, his prophetic fears could never
for a moment be lulled to rest.

CHAP.
I.

1778.

Portugal, which in the seven years' war, with the
aid of England, escaped absorption by Spain, seemed
necessarily about to become an ally of the British
king. Its harbors, during the last year of the min-
istry of Pombal, were shut against the vessels of the
United States; and congress, on the thirtieth of
December, 1776, resenting the insult, was willing to
incur its enmity, as the price of the active friend-
ship of Spain.¹ But when, two months later, on the
twenty-fourth of February, 1777, the weak-minded,
superstitious Maria the First succeeded to the throne,
Pombal retired before reactionary imbecility. Portu-
gal, in exchange for a tract of land conterminous to
Brazil, withdrew from the La Plata, and was scarcely
heard of again during the war.

1776.
Dec.
30.

1777.
Feb.
24.

In the south-east of Europe, the chief political
interest for the United States centred in the joint
rulers of the Austrian empire. The Danube, first of
rivers of the old world, rolled through their domin-
ions between valleys of exuberant fertility towards
the great inland sea which drains a larger surface of
Europe than the Mediterranean. Yet the culture
and commerce of the eastern lands of the crown, by
which alone their house could become great, were
set aside as secondary objects, so that the mighty
stream flowed almost in silence towards the Euxine.

1778.

¹ Secret Journals of Congress, ii. 40-44.

CHAP. I. In August, 1755, when Kaunitz was about to take
 1778. in his hand the helm of the Austrian empire, and hold it for a third of a century, his first words in explanation of his policy were: "Prussia must be utterly thrown down from its very foundations, if the house of Austria is to stand upright."¹ In the year in which the United States declared their independence, as Joseph the Second visited France to draw closer his relations with that power, Kaunitz thus counselled the young emperor: "Move against Prussia with all moderation and regard for good appearances. Never fully trust its court. Direct against it the sum total of political strength, and let our whole system of state rest on this principle."²

Successive popes of Rome had wished an alliance of the two great Catholic powers of central Europe against the smaller states, by which the reformation had been rescued; and it was the chief boast of Kaunitz that he had effected that alliance. Twenty years after it was framed, his language was still: "Austria and Bourbon are natural allies, and have to regard the Protestant powers as their common rivals and enemies."³

Further; the Austrian court in the time of Kaunitz desired, above all, increased power and possessions in Germany, and planned the absorption of Bavaria. And as the dynastic interests of the imperial family claimed parity with those of the state, the same minister knew how to find thrones at

¹ Erläuterung zum Vortrag vom 28 Aug. 1755, in Archiv für Oesterreichische Geschichte, xlviii. 39. Herausgegeben von Adolf Beer.

² Politische Erinnerungen, &c. Ibid., 78.

³ Ibid., 98.

Parma, at Paris, at Naples, for the three youngest of the six daughters of Maria Theresa.

CHAP.
I.

The arch-house looked upon itself as alone privileged to produce the chiefs of the holy Roman Empire, the continuers of Augustus, of Constantine, of Charlemagne, of Otho. In this idea lay its fiction of a claim to universal monarchy, sanctified by the church; so that any new acquisition could easily be regarded but as a recovery of a rightful part of its dominions. For the same reason it asserted precedence over every royal house, and would not own an equal, even in the empress of Russia.

1778.

Since Austria, deserting its old connection with England, had bound itself with France, and the two powers had faithfully fought together in the seven years' war, it would have seemed at least that the imperial court was bound to favor its Bourbon ally in the great contest for American independence. But we have seen an American agent rebuffed, alike from the foreign office in Vienna and from the saloons of Kaunitz. The emperor, Joseph the Second, no less than his mother, from first to last condemned the rising of the American people as a wrong done to the principle of superior power; and his sympathy as a monarch was constant to England.

Such was the policy of the arch-house and its famous minister at this period of American history. But Prussia proved the depth and vigor of its roots by the manner of its wrestling with the storm; the Hapsburg alliance with Bourbon brought no advantage, and passed away, like everything else that is hollow and insincere. Bavaria still stands, clad in prouder honors than before. Of the thrones on which

CHAP. the Austrian princesses were placed, all three have
 I. crumbled; and their families are extinct or in exile.
 1778. The fiction of the holy Roman Empire has passed
 away, and its meaningless shadow figures only in mis-
 placed arms and devices.¹ The attitude of Austria to
 the United States will appear as our narrative pro-
 ceeds. Kaunitz and the imperial house of his day
 sowed seed that had no life; and their policy bore no
 fruit, delaying for their generation the development
 of the great Austrian state.

In Italy, which by being broken into fragments
 was reft of its strength though not of its beauty, the
 United States had hoped to find support from the
 ruler of Florence, to whom they had commissioned
 an envoy: the world had been full of the praises of
 his code and of his government. But the hope was
 altogether vain. The south of Italy followed Spain.
 The pope took no thought of colonies which were
 soon to form a republic, with a people far more
 thoroughly Protestant than any nation in Europe.
 But the genius of the Italians has always revered
 the struggles of patriotism; and, while the Americans
 fought for their liberties, Filangieri was preparing
 the work, in which, with the applause of the best
 minds, he claimed for reason its rights in the govern-
 ments of men. During the war, the king of Naples,
 as one of the Spanish Bourbons, conformed his com-
 mercial policy to that of Spain.

The Turkish empire affected the course of Ameri-
 can affairs both during the war and at its close. The
 embroilment of the western maritime kingdoms
 seemed to leave its border provinces at the mercy

¹ Bryce's *Holy Roman Empire*, fourth ed., 367, 371.

of their neighbors, and there were statesmen in Eng-
land who wished for peace, in order that their country
might speak with authority on the Bosphorus and
within the Euxine.

CHAP.
I.

1778.

Of the three northern powers, Russia was for the United States the most important; for Great Britain with ceaseless importunity sought its alliance: but its empress put aside every request to take an active part in the American contest, and repeatedly advised the restoration of peace by the concession of independence. Her heart was all in the Orient. She longed to establish a Christian empire on the Bosphorus, and wondered why Christians of the west should prefer to maintain Mussulmans at Constantinople. Of England, she loved and venerated the people; but she had contempt for its king and for his ministry, of which she noticed the many blunders and foretold the fall. On the other hand, she esteemed Vergennes as a wise and able minister, but did not love the French nation.¹

In Gustavus the Third of Sweden, the nephew of Frederic of Prussia, France might expect a friend. The revolution of 1771, in favor of the royal prerogative, had been aided by French subsidies and the counsels of Vergennes, who was selected for the occasion to be the French minister at Stockholm. The oldest colonizers of the Delaware were Swedes, and a natural affection bound their descendants to the mother country. The adventurous king had the ambition to possess a colony, and France inclined to gratify his wish. His people, as builders and owners of ships,

¹ Compare Arneth's *Maria Theresia und Joseph II., ihre Correspondenz*, iii. 268.

CHAP. favored the largest interpretation of the maritime
 I. rights of neutrals; and we shall see their king, who
 1778. had dashing courage, though not perseverance, now
 and then show himself as the boldest champion of
 the liberty of the seas.

Denmark, the remaining northern kingdom, was itself a colonial power, possessing small West India islands, and a foothold in the East. Its king, as Duke of Holstein, had a voice in the German Diet at Ratisbon. Its people were of a noble race; it is the land which, first of European states, forbade the slave-trade, and which, before the end of the century, abolished the remains of serfdom.

In 1778, a half-witted king, every day growing feebler in mind, yet in name preserving the functions of royalty; a crown prince of but ten years old, whose mother, divorced for adultery, had died in her youth an exile; a council of state, having the brother of the king for a member, and divided into two nearly equal factions; a queen-dowager, benevolent beyond her means, and fond of meddling in public affairs, — gave no promise of fixedness in the administration. Count Bernstorff, minister of foreign affairs, a Hanoverian by birth, professed to believe that the repose, the strength, and the happiness of civil society depend upon the principle, that a people can never be justified in renouncing fidelity, obedience, and subjection to its lawful government, and declaring itself independent. He watched, therefore, that the Danish government should not favor, or even seem to favor, any step which promised help to the Americans.¹ Complying with the suggestion of the Eng-

¹ Denkwürdigkeiten aus dem Leben des königlich dänischen Staats-

lish court, Danish subjects were forbidden to send, even to Danish West India islands, munitions of war, lest they should find their way to the United States.¹ The Danish and Norwegian ports were closed against prizes taken by American privateers. Yet, from its commercial interests, Denmark was forced to observe and to claim the rights of a neutral.

Freedom has its favorite home on the mountains or by the sea. Of the two European republics of the last century, the one had established itself among the head-springs of the Rhine, the other at its mouth. America sheltered itself under the example of Switzerland, which rivalled in age the oldest monarchies, and, by its good order and industry, morals and laws, proved the stability of self-government, alike for the Romanic and for the Germanic race. Of the compatibility of extensive popular confederacies with modern civilization, Switzerland removed every doubt. Halldemand, a much-trusted brigadier in the British service, was by birth a Swiss; but England was never able to enlist his countrymen in the rank and file of her armies. The United States sought no direct assistance from Switzerland, but gratefully venerated their forerunner. Had their cause been lost, Alexander Hamilton would have retreated with his bride "to Geneva, where nature and society were in their greatest perfection."²

The deepest and the saddest interest hovers over the republic of the Netherlands, for the war between England and the United States prepared its grave.

ministers, Andreas Petrus Grafen von Bernstorff, von C. M. D. von Eggers, 93.

¹ Danish order of 4 Oct., 1775.

² Alexander Hamilton to Eliza Schuyler, MS.

CHAP. I. Of all the branches of the Germanic family, that
1778. nation which rescued from the choked and shallowed sea the unstable silt and sands brought down by the Rhine has endured the most and wrought the most in favor of liberty of conscience, liberty of commerce, and liberty in the state. The republic which it founded was the child of the reformation. For three generations the best interests of mankind were abandoned to its keeping; and, to uphold the highest objects of spiritual life, its merchants, landholders, and traders so teemed with heroes and martyrs, that they tired out brute force, and tyranny, and death itself, and from war educed life and hope for coming ages. Their existence was an unceasing struggle with the ocean which beat against their dykes; with the rivers which cut away their soil; with neighbors that coveted their territory; with England, their ungenerous rival in trade. In proportion to numbers, they were the first in agriculture and in commerce; first in establishing credit by punctuality and probity; first in seeing clearly that great material interests are fostered best by liberty. Their land remained the storehouse of renovating political ideas for Europe, and the asylum of all who were persecuted for their thoughts. In freedom of conscience they were the light of the world. Out of the heart of a taciturn, phlegmatic, serious people, inclined to solitude and reflection, rose the men who constructed the code of international law in the spirit of justice.

In 1674, after England for about a quarter of a century had aimed by acts of legislation and by wars to ruin the navigation of the Netherlands, the two powers consolidated peace by a treaty of commerce,

in which the rights of neutrals were guaranteed in language the most precise and the most intelligible. Not only was the principle recognised that free ships make free goods ; but, both positively and negatively, ship-timber and other naval stores were excluded from the list of contraband.

CHAP.
I.
1778.

In 1688 England contracted to the Netherlands the highest debt that one nation can owe to another. Herself not knowing how to recover her liberties, they were restored by men of the United Provinces ; and Locke brought back from his exile in that country the theory on government which had been formed by the Calvinists of the continent, and which made his chief political work the text-book of the friends of free institutions for a century.

During the long wars for the security of the new English dynasty, and for the Spanish succession, in all which the republic had little interest of its own, it remained the faithful ally of Great Britain. Gibraltar was taken by ships and troops of the Dutch not less than by those of England : yet its appropriation by the stronger state brought them no corresponding advantage ; on the contrary, their exhausted finances and disproportionate public debt crippled their power of self-defence.

For these faithful, unexampled, and unrequited services the republic might, at least, expect to find in England a wall of protection. But during the seven years' war, in disregard of treaty obligations, its ships were seized on the ground that they had broken the arbitrary British rules of contraband and blockade. In the year 1758 the losses of its merchants on these pretences were estimated at more

CHAP. I. than twelve million guilders. In 1762 four of its
1778. ships, convoyed by a frigate, were taken, after an
engagement; and though the frigate was released,
George Grenville, then secretary of state, announced
by letter to its envoy that the right of stopping
Dutch ships with naval stores must be and would
be sustained.¹

These violences began to wean the Dutch people from their attachment to England. Could the prizes, which her courts wrongfully condemned, compensate for the affections of an ally of a hundred years? But this was not the worst: she took advantage of the imperfections in the constitution of the Netherlands to divide their government, and by influence and corruption she won the party of the stadholder to her own uses.

The republic was in many ways dear to the United States. It had given a resting-place to their emigrant pilgrims, and dismissed them to the new world with lessons of religious toleration. It had planted the valley of the Hudson; and in New York and New Jersey its sons still cherished the language, church rule, and customs of their parent nation. The Dutch saw in the American struggle a repetition of their own history; and the Americans looked to them for the evidence that a small but resolute state can triumph over the utmost efforts of the mightiest and wealthiest empire.

¹ Stormont to Yorke, 11 January, 1780.

CHAPTER II.

GERMANY AND THE UNITED STATES.

1778.

THE people who dwelt between the Alps and the northern seas, between France and the Slaves, founded no colonies in America; but, in part, gave to the rising country its laws of being. Let us trace them to their origin, not recounting the annals of the German nation, but searching for the universal interests which the eternal Providence confided to their keeping.

CHAP.
II.

We spell the record of our long descent,
More largely conscious of the life that is.¹

The oldest monument of the Germans is their language, which, before untold centuries, was the companion of their travels from central Asia; a language, copious, elastic, inviting self-explaining combinations and independent development; lending itself alike to daily life and imagination, to description and abstract thought. They had a class of

¹ George Eliot's Spanish Gipsy.

CHAP. nobles,¹ but their tongue knew no word for slave.
 II. The earliest foreign observers, who described their
 customs, relate that their leaders in war, their judges,
 and, within narrower limits, their kings,² were elec-
 tive officers, liable to be displaced. They tempered
 monarchical power by deliberative assemblies and by
 a free people. To the first Roman intruder, a Ger-
 man matron spoke the command, "Turn back!"³ and
 Roman organization never passed the southern and
 western skirts of their land.

They became the hardiest nation in Europe. For
 four or five centuries some of their branches repelled
 their Latin invaders; and then, feeling their strength
 and inclining to roam, they overthrew the Western
 Empire; crossed the Mediterranean to Carthage;
 followed the setting sun to the ocean; gave to Aquitania
 and Gaul the name of one of their tribes; and
 mastered England and the lowland of the Scots.

The territory more immediately and permanently
 occupied by the Germanic race bristled with sombre
 forests, and was parted by dismal morasses and path-
 less chains of mountains, which they had not suf-
 ficient mastery of nature to overcome. Broken into
 tribes in the wilderness, these emigrants from the
 same distant lands lost the tradition that they were
 brothers, and knew no more that they were one.
 From the fifth to the twelfth century, the freemen,
 removing at will, reduced the unoccupied soil into
 possession by their labor, recording their title-deeds
 on the bosom of the earth which they tilled.

¹ Waitz, *Deutsche Verfassungen*
Geschichte, i. 86.

² Tacitus, *Germania*, § 7, 11.

Bethmann-Hollweg, *Civil Process*,
 iv. 95.

³ Mommsen, *Die Germanische*
Politik des Augustus, 556.

Before Christianity, which is a religion of war against the sins of the world, became the established religion of the Roman empire, it found its way, as if by instinct, into the minds of the Goths;¹ and fragments of their version of the Bible are the oldest written monument of the German tongue. It was diffused more slowly through the northern tribes. Boniface, the great Anglo-Saxon missionary, won more and more of his kindred to the new faith: but with him came a centralizing power; for the German bishoprics and cloisters, which were founded through him, were, from their origin, connected with the see of Rome by vows of obedience.

CHAP.
II.

In the life struggle between the Islam and Christianity, between a form of religion bounded by the material world and the religion which sanctifies the intuitions of reason, Charles Martel, a German warrior, leading into the field men of the Christianized tribes of his country, won the victory for that side which teaches that the light of ideal truth is ever present with the human race.

The world had for centuries been distracted by the want of the elements of safe existence: and the hope of central and western Europe knew but two great forces which could introduce the reign of law and protect the growth of culture, universal monarchy and catholic Christianity; and they both centred in the name of Rome. Humanity bore in its memory no form under which the civil rights of the various peoples had been maintained in their strength and unity, except that of the Roman empire;² and the

¹ Giesebrecht's *Kaiserzeit*, i. 52.

² Eötvös, *Einfluss der herrschenden Ideen*, i. 249.

CHAP. Christian church proclaimed the brotherhood of all
 II. men as members of a catholic religion. At the time
 when society longed for regeneration through the
 establishment of order, it needed only a prince of
 sympathy with the common man,¹ unclouded vision,
 inventive genius, and irresistible will,² to make his
 way with the acclamations of the world to the near-
 est possible realization of these two ideas. As the
 reward of the German who smote the Saracens at
 Poitiers, the office and title of king, with the con-
 currence of the pope, passed into his family. His
 grandson, Charlemagne, carried Christianity to the
 North Sea by force of arms, prescribing to the low-
 land Saxons alike religion and allegiance; and divid-
 ing their territory into bishoprics, with endowments
 of land and local authority. Having achieved the
 union of Germany, he laid the foundations of his
 power in the class of free Germans. Of these he
 would not suffer the number to be diminished, or the
 rights to be abridged. After gaining the sway over
 western Europe, he crossed the Alps, brought back
 the fugitive head of the church to the city of Rome,
 and on Christmas eve of the year 800, which then
 was the eve of the new year and the new century, in
 the basilica of St. Peter, with an acclaiming congre-
 gation, who were present to represent all western
 Christendom, he was crowned by his client the pope
 as emperor of Rome and of the world. The crown
 signified the highest authority over Rome and over
 Italy. The pope of the day, who was his dependent

¹ Giesebrecht, *Kaiserzeit*, i. 136.

² Freytag, *Aus dem Mittelalter*,
 i. 321. This charming writer
 should include in the necessary

qualities of a great man a fellow-
 feeling with the people. There
 has never been a truly great man
 without it.

and his beneficiary, made to him the sign of adoration.¹ The old Roman emperor was the highest pontiff: with the charge of universal monarchy, Charlemagne, who held the keys of the grave of St. Peter, took to himself the supreme direction of the church.²

CHAP.
II.

Orthodox Christendom saw in this new Roman empire the eternal ordinance of God which was to endure to the end of time, so that every prophecy might be fulfilled and Christ become the lord of the whole earth. Leo the Third recognised in him the sovereignty over every temporal authority; but the line of the emperors was hardly acknowledged at Rome to be by a fixed rule entitled evermore to unqualified allegiance as lords over the church. Nor was it for the interest of mankind, nor of the empire itself, that the popes should have made such abdication of their independence; for, though by the ensuing conflict it was compelled to pass through centuries of sorrow, it escaped that which was worse. "Germany has been ordained by fate to illuminate the nations;"³ but not in this way was it to spread light and freedom. Could Charlemagne, by renewing Roman cæsarism, have joined dominion over the individual and collective conscience to the fulness of military, legislative, and administrative power, a sameness of forms, a stagnant monotony of thought, and the slumber of creative genius might have lasted for thousands of years. Justice and truth are the same,

¹ Döllinger, Das Kaiserthum Karls des Grossen und seiner Nachfolger in Münchener Historisches Jahrbuch für 1865, 364.

² Von Sybel, Deutsche Nation und das Kaiserreich, 60. Ville-

main, Histoire de Grégoire VII., un maître qui dominait également et l'église et le monde, i. 140.

³ Ex fatali ad illuminandas gentes Germania. Leibnitz' Annals, iii. 125, ed. Pertz.

CHAP. II. everywhere, at all times, and for every mind. To
— make the emperor their authoritative custodian and interpreter for a universal monarchy would have been to overthrow the rights of reason, establish a despotism without check or barrier, and bring on a ruin of the moral and political world, like that state of rest which philosophers of nature predict for the heavens and the earth, if nothing exists beyond what the senses reach.¹

Of the two great ideas which Charlemagne had united in his crown, the universal monarchy was a creature of the irrevocable past, never destined to be renewed. It was broken in pieces and for ever by the selfishness of his descendants, by geographical divisions, and by the rivalry of nationalities. Christianity, on the other hand, had a life of its own. It had struggled into being in defiance of the Roman empire, by which it was never absorbed or deprived of self-existence. After a century of seemingly hopeless confusion on each side of the Alps, the House of Saxony, under the headship of Henry the Fowler, than whom, according to a wise historian,² "Germany never had a greater or a worthier king," restored union and order to the Teutonic nation. His son, Otho the First, having in a reign of a quarter of a century riveted Germany still more closely together and secured its borders against hostile races, was invited by the pope to pass the Alps for the pacification of Italy; and one hundred and forty-eight years after the death of Charlemagne, but only after a formal compact to respect the independence of the

¹ Helmholz, Grove, Tyndall, and many others.

² Waitz.

pope,¹ he was crowned at Rome as the first holy Roman emperor of the German nation. Invited only as a liberator, he, like Charlemagne, made himself the master alike over the church and the state. But he could not renew the authority of Charlemagne; for he in no wise represented universal monarchy. Kingdoms collectively greater than his own, and independent of him, — Hungary, France, Spain, Portugal, England, — could never acknowledge his supremacy over a church which claimed to be catholic. Yet, as if his twofold dominion had been permanent, Otho sought to balance the power of his princely feudatories by that of the bishops, who were likewise bound to send vassals to his army. The annexation of the crown of Italy to that of Germany, while it opened to the latter many avenues to culture, was also attended with infinite sorrows. It yoked together the two powers of emperor and pope, not with a balance of authority nor in a mutually beneficial alliance, but for an inevitable and irrepressible conflict, in which the emperor could not gain the field.

In the contest between the emperor and the separate princes, the result could not in the end be doubtful; for the latter held power by inheritance according to fixed law, while the former gained his crown only by an election in which princes took part and might assume to prescribe capitulations as the price of their votes.

In the continued antagonism between the pope and the emperor the issue was equally certain. The pope reduced his adversary to helplessness by winning the

¹ Gregorovius, *Geschichte der Stadt Rom im Mittelalter*, iii. 345.

CHAP.
II.
—

princes of the empire through favoring their separate ambition ; and he controlled the prelates and clergy by the strength of ties of which they acknowledged the paramount force. Moreover, the idea of universality was on the side of the pope. The emperor did indeed look upon himself as the successor of Augustus Cæsar ; but all his dealings with other kingdoms confessed his inheritance to be merely an illusion : the pope represented the kingship of Christ, which was owned throughout Christendom to be by right without bounds. The home of the emperor seemed to be properly in the thickly forested regions of the rough northern clime : the pope alone, by ruling in Rome, was clad with the great prestige of authority over the eternal city and the world. But what was still more decisive, under the feudal organization, monarchy had no mode of directly invoking popular support : the pope had, through the clergy, dominion over the conscience alike in every cottage and in every castle, and was therefore strong with and through the people. The emperor had the oaths of his vassals : the pope, the allegiance of the church-militant. The emperor ruled through subordinates who disputed his commands : the pope, through prelates and clergy, who received his word as the voice of omnipotent infallibility. Two centuries from the coronation of Charlemagne had not passed away, when Gregory the Seventh, taking advantage of the enfeeblement of the central government and establishing the celibacy of the clergy, asserted his exclusive right to the investiture of bishops throughout Christendom ; and, compelling the emperor, Henry the Fourth, in his years of youth and weakness, to

do penance at Canossa, extorted the acknowledgment of all the pretensions of the Roman see as lord over conscience and over kings. CHAP.
II.
}

A little more than a hundred years after this hasty submissiveness of an inexperienced, imbecile, and dissolute ruler, even Red-Beard, the wise and powerful Frederic the First, acquiesced in the necessity of giving up his long and fruitless struggle; and at Venice, in the maturity of his years, surrendered to the pope.

This victory over the mightiest of the Roman emperors of the German nation could not have been won by the Roman pontiffs, unless right had in some degree been on their side.¹ In contending against the absolute power of the emperor over conscience, they were contending for that which God loves most, — for the sacred rights of our race. But the despotism which they justly snatched from the sceptre was sequestered and appropriated to their own benefit. When dominion over conscience was wrested from Cæsar, the work was but half done: the pope should have laid it down at the feet of his fellow-men, and consummated the emancipation of every mind.

Was there nowhere in Christendom a self-dependent people capable of claiming its birthright? In this contest between emperor and church, the old, free, rural population of Germany, a body of men as ancient as incipient civilization in central Asia, was left without protection; and each century saw more and more their numbers diminished, their rights to the soil impaired, their personal liberties endangered. They had no security against the stronger feudal nobility. They were everywhere oppressed, often

¹ Milman, *History of Latin Christianity*, iii. 202.

CHAP. II. robbed of their lands, and even reduced to villanage.¹
 Scattered, and unconnected, and without arms, they were not able to assume their own defence, and they needed some support to which they could cling.

Alone in Switzerland, which its mountains kept apart alike from Italy and the north, the free people preserved their ancient character,² and, being content within themselves, constituted a confederated republic which has outlasted every dynasty and constitution of that day, forming a commonwealth which still stands like their own Alps. But elsewhere in Germany the nobles took advantage of the period of lawlessness to round off their estates, to wrong their neighbors, to oppress their tenants, to reduce the free rural classes to the condition of adscripts to the glebe.

It went better with the mechanic arts and with trade. In the troubled centuries when there was no safety for merchants and artisans but in their own courage and union, free cities rose up along the Rhine and the Danube in such numbers that the hum of business could be heard from the one to the other. On the sea free towns leagued together from Flanders to the Gulf of Finland,—renewing Dantzic; carrying colonies to Elbing, Königsberg, and Memel, to Riga and Reval; stretching into the interior so as to include Göttingen, Erfurt, and Magdeburg, Breslau, and Cracow; having marts alike in London and Novgorod; shaping their constitutions after the great house of merchants of Lübeck, till the consolidated

¹ Giesebrecht, *Geschichte der deutschen Kaiserzeit*.

² Freeman's *Growth of the English Constitution*, ch. i. and note 1.

union of nearly eighty cities became the first maritime power in the commercial world. CHAP.
II.

As in England, Simon de Montfort created a place for the representation of the boroughs in parliament, so free imperial cities had benches in the German diet. In these republics and other towns, not so directly depending on the empire, was to be found whatever was best in local self-government, in orderly industry, in art and science, in wise financial administration, in tolerant wisdom drawn from the observation of many religions and many lands, in free inquiry and intelligence.

The emperor had sought to unite in his hands the authority of the highest pontiff and the absolutism of a military despot. The connection with the nations of Europe, who were the bearers of the Roman and the Greek civilization ; with Saracens ; with Africa ; with Syria and Palestine, — brought into Germany living seeds of culture, which ripened the most various fruit. The complete victory of the pope over the emperor substituted for an all-pervading central dominion, not national freedom, but anarchy under princes and nobles, and thousands of separate jurisdictions ; not organized public life, but national dissolution ; a triumphant hierarchy, not the greatness of a people.¹ Thanks to the creative energy of the house of Saxony, the empire which it founded had lasted so long that the idea of the unity of the German nation had worked its way indissolubly into the blood and marrow of all the people. But at last the power of this later Roman empire became a phantom ; its crown, a decorative bauble ; its dignity,

¹ Heinrich von Sybel, *Die Deutsche Nation und das Kaiserreich*, 61.

CHAP.
II.

precedence in a diet; and he who possessed the fiction of the great name strove no more but for separate dynastic gains: he could initiate no patriotic, all-penetrating reform; he was no protector of the German nation. The empire of the great Otho belonged as much to the dead past as that of Charlemagne. The healing draught for the peoples must be drawn from a living spring.

Grant the theory of the sycophants of the Roman see, that the pope represents on earth the eternal wisdom: it follows necessarily that he may decide every question of morals in private and in public life. He is responsible for every king.¹ He may decree what king is unworthy to reign; and his sentence must bind the conscience of all who accept his infallibility. He must have power to give and to take away empires, and all possessions of all men;² to release peoples from their oaths of allegiance; to unbind kings from their oaths of capitulation; to order the German princes whom to elect as emperor, and to order them to elect unanimously; with his cardinals or alone to elect an emperor. As the sole oracle of truth he may assume to control history itself when it thwarts his purpose; and, though the adamant door of the past is bolted down for evermore, he may break it open,—

To bind or unbind, add what lacked,

Insert a leaf,³ or forge a name.⁴

Since reasoning on an accepted dogma is forbid, he may command an inquisition into the innermost

¹ Gregory VII. to William the Conqueror.

² Excommunication of Hen. IV.

³ The false Decretals.

⁴ R. W. Emerson, "The Past."

thoughts and secret places of every mind, and compel assent by fines, imprisonment, excommunication, but especially by the sword and fire. The infallible interpreter of morals may, in unbridled licentiousness, order and do what is right in his own eyes;¹ ruling in all things and never ruled; judging all things and never judged.

In Greece, as may be read in Plato's Republic, "mendicant diviners went to rich men's doors, persuading them that they have received from the gods power to absolve a man himself or his forefathers from sins; and for the living and for the dead there are ceremonies which deliver from pains in the life to come; but dreadful things await those neglecting the rite."² The method practised on a small scale by vagabond prophets in Athens was formed by the papal see into a system for the world; and it filled its treasury by an organized traffic in indulgences and promises of pardon here and beyond the grave. In a decretal of the ninth of November, 1518, Pope Leo the Tenth affirmed his power as the successor of St. Peter and the vicar of Christ to remit the sins alike of the living and of the dead.³


All absolute power brings its holders, first or last, to perdition: absolute power over mind, conquered from the emperor and continued for centuries, at last

¹ Von Ranke, xxxvii. 32. Gregorovius, iii. 263, *et seq.*, vii. 312, *et seq.*, 504, *et seq.*

² . . . ἀγύρται δὲ καὶ μὲν τεῖς ἐπὶ πλουσίων θύρας ἰόντες πείθουσιν, ὥς ἐστι παρὰ σφίσι δύναμις ἐκ θεῶν πορίζουμένη . . . εἴτε τι ἀδίκημά του γέγονεν αὐτοῦ ἢ προγόνων ἀκείσθαι, . . . ὥς ἄρα λύσεις τε καὶ καθαρμοὶ ἀδικημάτων . . . εἰσὶ μὲν ἐτι ζῶσιν, εἰσὶ δὲ καὶ τελευτήσασιν, . . . αἱ

τῶν ἐκεῖ κακῶν ἀπολύουσιν ἡμᾶς· μὴ θύσαντας δὲ δεῖν ἀ περιμένει. Plato, Republic, book ii. ch. vii. ἐκεῖ is not adequately rendered by "hell." Jowett's Plato, ii. 186.

³ Decretal of 9 Nov., 1518, on remission of sins. In German in Walch's Luther's Werke, xv. 757, *et seq.*

CHAP. II.  ruined, and could not but ruin, the moral and intellectual faculties of the functionary by whom it was exercised. The earth, wrapt in thickest darkness, sighed for the dawn.

The son of a miner, of the peasant class in Eisleben, trained in the school of Paul of Tarsus and the African Augustine, kindled a light for the world. He taught that no man impersonates the authority of God; that the pope is right in denying the divinity of the emperor, but that he blasphemes in arrogating divinity to himself. No power over souls belongs to a priest; "any Christian, be it a woman or a child, can remit sins just as well as a priest;"¹ clergy and laity, all are of one condition; all men are equally priests; "a bishop's ordination is no better than an election;"² "any child that creeps after baptism is an ordained priest, bishop, and pope."³ "The priest is nothing but an office-holder."⁴ "The pope is our school-fellow; there is but one master, and his name is Christ in heaven;" and, collecting all in one great formulary of freedom, he declared: Justification is by faith; by faith alone, "sola fide;" every man must work out his own salvation; no other—not priest, nor bishop, nor pope, no, not all the prophets—can serve for the direct connection of the intelligent reason of the individual with the infinite and eternal intelligence.

The principle of justification by faith alone solved every problem. It is freedom against authority; self-activity against superstitious trust in other men.

¹ Dorner, Geschichte der protestantischen Theologie, 170.

² An den christlichen Adel deutscher Nation, § 8.

³ Ibid., § 10. ⁴ Ibid.

It was the knell of the departing dominion of an alien prince over the conscience of the peoples. But it was more than the termination of a strife of seven centuries between pope and emperor. The truth spoken by Luther assigned to the pope his true place, as an unconsecrated, fallible, peccant mortal, holding only an office instituted by his erring fellow-mortals, and having no functions and no powers except what erring mortals can bestow. To discard the pope, and keep bishops and priests with superhuman authority derived from ordination, would have been only substituting one supernatural caste for another. Luther struck superstition at the root. The popes stripped lordship over conscience from the emperor; and Luther stripped it from pope, prelates, and priests. His teaching was the rending of the veil which divides the past civilization from the future, a vindication for all mankind of the rights of reason. The idea of justification by faith alone was censured as fatalism, while in truth it is the strongest possible summons to self-activity. The principle can never be surrendered so long as the connection between man and eternal truth shall endure. Well, therefore, did Leibnitz say of Luther: "This is he who, in later times, taught the human race hope and free thought."¹

The mediæval church had been, in some sort, the protector of the people. Luther declared reason to be the "well-spring of law,"² the rule for reforming national codes. Further; he demanded that truth should be spread by appeals to reason alone. "If

¹ Laboulaye, *l'État et ses Limites*, 26, 27.

² Luther, *Von Weltlicher Obrigkeit*.

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fire," said he, "is the right cure for heresy, then the fagot-burners are the most learned doctors on earth. Nor need we study any more: he that has brute force on his side may burn his adversary at the stake."¹ "I will preach the truth, speak the truth, write the truth, but will force the truth on no one; for faith must be accepted willingly and without compulsion."²

By reason, too, he desired to restrain arbitrary power. His words are: "Where a ruler indulges the conceit that he is a prince, not for the sake of his subjects, but for the sake of his beautiful golden hair, he belongs among the heathen."³ "A Christian prince is not a person for himself, but a servant for others." "The prince must think, 'I belong to the land and the people, and will therefore serve them with my office.'"

On the right of private judgment, Luther said: "If the emperor or the princes should command me and say: 'Thus and thus you ought to believe;' then I speak: 'Dear emperor, dear princes, your demand is too high;' they say: 'Yes, you must be obedient to us, for we are the higher powers.' Then I answer: 'Yes, you are lords over this temporal life, but not over the eternal life;' they speak further: 'Yes, peace and unity must be preserved; therefore you must believe as the emperor and princes believe.' — What do I hear? The Turk might as well say: 'Listen, Roman emperor, listen, princes; you ought to believe as the Turks believe for the sake of peace and unity; for what holds good for the one holds

¹ An den Adel, &c., 1520.

² Sieben Predigten, 1521.

³ Walch's Luther's Werke, x.
604.

good for the other, for the Turkish emperor and for every nobleman in the village.' No, dear emperor, dear prince, dear lord, dear lady, it does not belong to you to make such a demand."¹ And again: "All bishops that take the right of judgment of doctrine from the sheep are certainly to be held as murderers and thieves, wolves and apostate Christians. Christ gives the right of judgment to the scholars and sheep. St. Paul will have no doctrine or proposition held, till it has been proved and recognised as good by the congregation that hears it. Every Christian has God's word, and is taught of God and anointed as a priest."²

It followed, as the true rule for all Christendom, that the teacher, "the minister of the word," should be elected by the congregation itself. This Luther addressed to the emperor and Christian nobles of the German nation in 1520. Three years later, he published proof out of scripture that a Christian congregation ought to have the right to call, induct, and depose teachers.³ And in like manner, with strict consistency, in May, 1525, he wrote to the peasants of Suabia: "'The whole congregation should have power to choose and to depose a pastor;' this article is right." "You, princes and lords, cannot with any color refuse them the right to elect a pastor."

But it was not then possible in Europe to recon-

¹ Predigt, Die Lehre von dem Verhalten gegen die Obrigkeit, Luther's sämtliche Schriften, ed. Walch, xiii. 2225.

² Dass eine christliche Versammlung oder Gemeinde Recht und Macht habe, alle Lehre zu urtheilen und Lehrer zu berufen, ein- und abzusetzen: Grund und

Ursache aus der Schrift, 1523, ed. of 1833, xxii. 144.

³ Grund aus der Schrift, dass eine christliche Versammlung Recht haben solle, Lehrer zu berufen, ein- und abzusetzen, ed. of Dr. I. K. Irmischer, 1833, xxii. 140.

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struct the church on the principle of its total separation from tradition and the state. Did Luther look to the newly discovered world as the resting-place of his teachings? He certainly devised and proposed the rules for emigration. When the great revelation of truth was made, "a star," said he, "moved in the sky, and guided the pilgrim wise men to the manger where the Saviour lay."¹ He advised the oppressed country people, taking with them the teacher of their choice and the open Bible, to follow "the star" of freedom to lands where religious liberty could find a home.²

In October of the following year, the little synod held at Homberg by the landgrave Philip of Hesse accepted the propositions of Luther, that all Christians share equally in the priesthood, that true churches consist in self-organized, self-governing communities of believers; and that these communities, thus freely formed, may be associated through an annual general meeting of ministers and delegates.³

The glad lessons of reform went out through all the land, kindling the poor and humble and afflicted with the promise of a happier age. Himself peasant-born, and ever mindful of his lineage, the prophet of German unity and freedom, Luther wrote for his countrymen in their own tongue as no one else could. His words touched the hearts, and wakened the thoughts, and filled the meditations of all. The man of the people, in 1521 he says of himself: "Up

¹ Ermahnung zum Frieden auf die zwölf Artikel.

² History of the United States, i. 298, later edition.

³ Ranke, Deutsche Geschichte, ii. 304.

to this time I have always made it my rule to get the start of the notions of the court. Not the half would have come about, if I had let myself hang on their counsels." Therefore he was able to transform his nation, which was swayed by his words, as the chords of the lyre tremble under the touch of the master. The principles for which he demanded the active co-operation of every individual struck the deepest root; yet their instant and universal application would have bred civil war rather than wholesome change. A new nation, free from mediæval traditions, must grow up to be the recipient and the bearer of the new system. But Luther must remain in the land of his birth and of his love, even though, in the years that followed, his relations to princes cost him baleful compromises with the past, and unworthy concessions to the rulers of his day.

Within the empire each separate prince became for his own dominions the highest overseer of the church of the reformation. In the reformed churches of France, which struggled into being in permanent conflict with prelates and kings, their constitution grew out of themselves, according to the teachings of Luther in his earlier days. It is the common principle on which Frenchmen first colonized what is now Nova Scotia and Florida; on which Englishmen and the Dutch planted the states that lie between Canada and the head of the Chesapeake; and it was strongly represented in the settlements further south. So Germany, which appropriated no territory in America, gave to the colonies of New Netherland and New England their laws of being.

The holy empire which began with Roman cæsar-

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ism had become in temporal power a shadow, in spiritual power a subject. If Charles the Fifth had but accepted the reformation, free Germany from the Vosgie mountains would at his bidding have been reconstructed as one monarchy on a new and better foundation. The emperor deserted his own standard,—an alien he joined with an alien; and from that time the authority of the imperial crown was used for the aggrandizement of a separate dynasty.

The reformation intrenched itself within the walls of the free cities; and, with them and their kindred in Switzerland and in the Netherlands for defenders, it could not be trodden out: but in any mortal conflict with the princes the free cities must have succumbed. The German people, though they had an imperishable life of their own, had not the means of organizing themselves as one body; nor were they trained to be the bearers of political power: they could unite only through a prince. The prince that will lead Germany to union must accept reform in religion, and the canon¹ that he is there not for himself, but for the land and people.

The hopes of the reformers first rested on Saxony. But one of its electors refused the imperial crown; another betrayed the reformation through fears of ill-directed progress; a third, by further concessions to the reaction and to the emperor, and by consequent indecision, lost for himself army, land, and freedom, and for his electorate the lead in Germany.

¹ So Freytag, *Aus dem Jahrhundert der Reformation*, 104. "Es gab in Deutschland leider keine

bessere Macht als die der Fürsten."

There was better promise from the house which a burgrave of Nuremberg, one of the wisest, most right-minded, and most popular statesmen of his age,¹ and whose days in his land were long, had transplanted to Brandenburg. CHAP.
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In 1613, when the congregation of the Pilgrims at Leyden was growing by comers from England, the elector of Brandenburg, John Sigismund, after eight years of reflection, adopted the faith of those who were to plant Massachusetts, and passed with all formality, out of the church in which so much only of the precepts of Luther prevailed as the princes of his day could tolerate, into the more liberal church that had been formed under republican auspices by Calvin.

In 1618, while the Pilgrims were pleading for leave to emigrate with an English charter, according to the rules of colonization of Luther, the elector of Brandenburg pledged himself anew to the reformation by uniting to his possessions secularized Prussia.

Between all whom one and the same renovating principle rules, inspires, and guides, there exists an unwritten alliance or harmony, not registered in the archives of states, showing itself at moments of crisis. Protestantism struggled for life alike in Germany and in New England, not always with equal success. With the constitution of Plymouth, which was signed in Cape Cod harbor, it triumphed in New England in the same month in which it was struck down on the White Mountain of Bohemia. The year in which the Catholic reaction crushed the municipal liberties of Protestant Rochelle, the reformation was rescued in Germany by the relief of Stralsund, and extended in

¹ Von Ranke, xxv. 105.

CHAP. II. America by the planting of a regular government
in Massachusetts.

The day on which Winthrop sailed into Boston harbor, Gustavus Adolphus was landing fifteen thousand men in Pomerania. The thoughts of Germany and of the new people of America ran together: one and the same element of life animated them all. The congregations of Massachusetts, too feeble to send succor to their European brethren, poured out their souls for them in prayer. From the free city of Nuremberg, Gustavus Adolphus,¹ just three weeks before his fall at Lützen, recommended to Germans colonization in America as "a blessing to the Protestant world." In pursuance of the design of the Swedish king, the chancellor Oxenstiern, in April, 1633, as we have seen, called on the German people to send from themselves emigrants to America. In December the upper four German circles confirmed the charter, and under its sanction a Protestant colony was planted on the Delaware. What monument has Wallenstein left like this on the Delaware to Gustavus?

The thirty years' war was not a civil war: had the Germans been left to themselves, the reformation would have been peacefully embraced by nine-tenths of them. It was by hordes of other races and tongues that the battle of Jesuit reaction was fought. While France was rent in pieces by bloody and relentless feuds, Germany enjoyed a half century of prosperous peace, and with its kindred in the Netherlands and Switzerland formed the first nation in the world. Its universities, relieved from monastic traditions, taught

¹ History of the United States, ii. 284.

not theology alone, but the method of the right use of reason, and sciences pregnant with modern culture. Kepler, a republican of Weil, the continuator of Copernicus, the forerunner of Newton, revealed the laws of the planetary motions. No part of Europe had so many industrious, opulent, and cultivated free cities, while the empire kept in use the forms and developed the language of constitutional government.

The terrible thirty years' effort to restore the old superstition crushed the enlightened middle class of Germany, destroyed its Hanseatic confederacy, turned its commerce into other channels, ruined its manufactures, arrested its progress in the arts, dismembered its public thought, gave to death one-half or even two-thirds of its inhabitants, transformed large districts of its cultivated country into a wilderness, suspended its unity and imperilled its national life, which was saved only by the indestructible energy of its people. From 1630, for more than two centuries, it showed no flag on any ocean, planted no colony on any shore; it had and could have no influence abroad, no foreign policy: it had ceased to be a great power. It lay like the massive remains of the Roman Colosseum, magnificent ruins, parcelled out among a crowd of rulers, and offering to neighboring princes an inviting quarry.

For German Protestants there were gleams of light from America and from Brandenburg. Driven by poverty and sorrow, the reckless devastation of foreign invasions, and the oppression of multitudinous domestic petty tyrants, the Germans, especially of the borders of the Rhine, thronged to America in such numbers that, in the course of a century, preserving

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their love of rural life, they appropriated much of the very best land from the Mohawk to the valley of Virginia.

At the close of the thirty years' war, Brandenburg had for its elector, Prussia for its duke, a prince by birth and education of the reformed church, trained in the republic of the Netherlands. "In my rule," said the young man, on first receiving homage, "I will always bear in mind that it is not my affair which I administer, but the affair of my people."¹ "Consciences," he owned, "belong to God; no worldly potentate may force them."² So when the revocation of the edict of Nantes, in October, 1685, drove out of France a half million of "THE BEST" of the French nation, the noble company of exiles found a new country, partly with the Great Elector, and partly with the Protestant colonies in America.

The same revolution of 1688, which excluded Papists from the throne of England, restored liberty to the colonies in America, and made it safe for the son of the Great Elector to crown himself on his own soil as king of Prussia. As the elector of Saxony had meantime renounced the reformation, to ride for a few stormy years on the restless waves of Polish anarchy, Leibnitz could say with truth: "The elector of Brandenburg is now the head of the Protestants in the empire."³ The pope of the hour, foreshadowing the policy of Kaunitz, denounced his coronation as a shamelessly impudent deed, and his house as one of which the dominion ought never to be increased.⁴

¹ Gelzer's Aufgaben, 2.

² Pfeleiderer's Leibnitz, 523.

³ Ibid., 524.

⁴ A copy of the letter of the pope was communicated to me by my friend George V. Bunsen.

The peace of Utrecht called forth the vehement reprobation of Leibnitz, and proved that the house of Hapsburg was not the proper guardian of Germany; yet it was full of good prophecies for the future, and marks the point of time when, in Europe and in America, the new civilization compelled the recognition of its right to existence. For England it contained the acknowledgment by the Catholic powers of an exclusively Protestant succession, established by laws in derogation of legitimacy; for Italy, the elevation of the house of Savoy in the north, to the rank of an independent and hopeful monarchy. For America and for Prussia, it was the dawn of the new day. In the former, Protestantism took the lead in the work of colonization and the appropriation of territory by the spread of settlements. Founded on the principle of civil freedom, the latter was received as a kingdom among the powers of the earth. From the moment when the elector of Brandenburg was admitted by all Europe to the society of kings as an equal, the house of Hapsburg knew that it had a rival within Germany.

When, in the second quarter of the last century, ecclesiastical intolerance drove the Lutherans of Salzburg into exile, a part of them found homes on the rivers of America, a part in the realm of that strange Prussian king, who, by simplicity and purity of life, by economy, strict organization of the government, care for the people and their education, public thrift, and perfect discipline in the army, bequeathed to his successor the most efficient state in Germany.

That successor was Frederic the Second, a prince trained alike in the arts of war and administration,

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in philosophy and letters. It should be incredible, and yet it is true, that, at the moment of the alliance of the Catholic powers against Protestantism, England, under the second George and a frivolous minister, was attempting by largesses of subsidies to set the force of Russia against the most considerable Protestant power in Germany. In the attempt England shot so wildly from its sphere that Newcastle was forced to bend to William Pitt; and then England and Prussia, and the embryo United States, — Pitt, Frederic, and Washington, — worked together for human freedom. The seven years' war extended the English colonies to the Mississippi and gave Canada to England. "We conquered America in Germany," said the elder Pitt, ascribing to Frederic a share in the extension of the Germanic race in the other hemisphere; and in like manner Frederic, in his histories, treats the English movement in America and his own struggles in Europe all as one, so long as Pitt was at the helm.

To what end would events have been shaped if Pitt's ministry had continued, and the bonds between England and Prussia had been riveted by a common peace? But here, as everywhere, it is useless to ask what would have happened if the eternal providence had for the moment suspended its rule. The American colonists were now at variance with the same class of British ministers which had wronged Frederic in 1762. With which branch of the Teutonic family would be the sympathy of Germany? The influence of Austria leaned to England. Where stood the true nobility of the empire, the masters

of German thought and language? where its ruling princes? where its one incomparable king? CHAP.
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In the north-east of Germany the man who, alone of Germans, can with Leibnitz take a place among the wise by the side of Plato and Aristotle, reformed philosophy as Luther had reformed the church, on the principle of the self-activity of the individual mind. As Luther owned neither pope nor prelates for anything more than school-fellows, so Kant accepted neither Leibnitz nor Hume for a master, and passed between dogmatism and doubt to the school of reason. His method was, mind in its freedom, guided and encouraged, moderated and restrained, by the knowledge of its powers. Skepticism, he said, only strands the ship and leaves it high and dry to rot: the true inventory of the human faculties is the chart by which the pilot can take the ship safely wherever he will.¹ He stopped at criticism as little as the traveller who waits to count his resources before starting on his journey; or as the general who musters his troops before planning his campaign. The analysis of the acts of thought teaches faith in the intellect itself as the interpreter of nature. The human mind, having learned the limit of its faculties, and tolerating neither cowardice nor indolence in the use of them,² goes forth in its freedom to interrogate the moral and material world with the means of compelling an answer³ from both. "The forms of Kant's philosophy," says Schiller, "may change; its method will last as long as reason itself."⁴ And Rosenkranz

¹ Kant, iv. 10.

² Ibid., iv. 161.

³ Ibid., ii. 16.

⁴ Schiller to Goethe, 28 Oct., 1794.

CHAP. adds:¹ "He was the herald of the laws of reason,
II. which nature obeys and which mind ought to obey."

The method of Kant being that of the employment of mind in its freedom, his fidelity to human freedom has never been questioned and never can be. He accepted the world as it is, only with the obligation that it is to be made better. His political philosophy enjoins a constant struggle to lift society out of its actual imperfect state, which is its natural condition, into a higher and better one, by deciding every question, as it arises, in favor of reform and progress, and keeping open the way for the elimination of all remaining evil.

Accustomed to contemplate nature in the infinity of its extent as forming one system, governed in all its parts and in its totality by one law, he drew his opinions on questions of liberty from elemental truth, and uttered them as if with the assent of the universe of being. As he condemned slavery, so he branded the bargaining away of troops² by one state to another without a common cause. "The rights of man," he said, "are dear to God, are the apple of the eye of God on earth;"³ and he wished an hour each day set aside for all children to learn them and take them to heart. His friendship for America was therefore inherent and ineradicable. He was one of the first, perhaps the very first, of the German nation to defend, even at the risk of his friendships, the cause of the United States.

Lessing contemplated the education of his race as

¹ Hegel als deutscher National-philosoph, 19.

² Kant's sämtliche Werke, ed. of 1868, vi. Erster Abschnitt z.

Ewigen Frieden, 409, ed. of Rosenkranz, vii. pt. 2, 233.

³ Kant, viii. 594; vi. 419.

carried forward by one continued revelation of truth, the thoughts of God, present in man, creating harmony and unity, and leading toward higher culture. In his view, the class of nobles was become superfluous: the lights of the world were they who gave the clearest utterance to the divine ideas. He held it a folly for men of a republic to wish for a monarchy:¹ the chief of a commonwealth, governing a free people by their free choice, has a halo that never surrounded a king. Though he was in the employ of the Duke of Brunswick, he loathed from his inmost soul the engagement of troops in a foreign war, either as volunteers or as sold by their prince. "How came Othello," he asks, "into the service of Venice? Had the Moor no country? Why did he let out his arm and blood to a foreign state?"² He published to the German nation his opinion that "the Americans are building in the new world the lodge of humanity," and he desired to write more, for, said he, "the people is consumed by hunger and thirst;" but his prince commanded silence.

At Weimar, in 1779, Herder, the first who vindicated for the songs of the people their place in the annals of human culture, published these words: "The boldest, most godlike thoughts of the human mind, the most beautiful and greatest works, have been perfected in republics; not only in antiquity, but in mediæval and more modern times, the best history, the best philosophy of humanity and government, is always republican; and the republic exerts its influence, not by direct intervention, but medi-

¹ Lessing's Works, xii. 398.

² Minna von Barnhelm, act iii. scene 7; and act iv. scene 6.

CHAP. II. ately by its mere existence." The United States, with its mountain ranges, rivers, and chains of lakes in the temperate zone, seemed to him shaped by nature for a new civilization.¹

Of the poets of Germany, the veteran Klopstock beheld in the American war the inspiration of humanity and the dawn of an approaching great day. He loved the terrible spirit which emboldens the peoples to grow conscious of their power. With proud joy he calls to mind that, among the citizens of the young republic, there were many Germans, who gloriously fulfilled their duty in the war of freedom. "By the rivers of America," he wrote, "light beams forth to the nations, and in part from Germans."²

Less enthusiastic, but not less consistent, was Goethe. Of plebeian descent, by birth a republican, born like Luther in the heart of Germany, educated like Leibnitz in the central university of Saxony, when seven years old he and his father's house were partisans of Frederic, and rejoiced in his victories as the victories of the German nation.³ In early youth he, like those around him, was interested in the struggles of Corsica; gave the cry of "Long live Paoli;"⁴ and his heart was drawn towards the patriot in exile.⁵ The ideas of popular liberty which filled his mind led him, in his twenty-second year⁶ or soon

¹ Herder, quoted in Kant, iv. 173.

² Klopstock's Oden, Sie und nicht wir, An Amerika's Ströme, &c., &c. Compare Der Freiheitskrieg, Der Fürst und sein Kebsweib, and Der jetzige Krieg; i.e., the war of 1778-1782.

³ Goethe, Aus meinem Leben, Werke, xx. 51.

⁴ Compare extract from the manuscript of Die Mitschuldigen, in Hempel's ed., viii. 42.

⁵ Goethe, xxii. 321, and in Stella, act iii., Goethe, ix. 343.

⁶ Müller's Unterhaltungen mit Goethe, 18.

after,¹ to select the theme for his first tragedy from the kindred epoch in the history of the Netherlands. But the interest of the circle in which he moved became far more lively when, in a remote part of the world,² a whole people showed signs that it would make itself free. He classed the Boston tea-party of 1773 among the prodigious events which stamp themselves most deeply on the mind of childhood.³ Like everybody around him he wished the Americans success, and the names of Franklin and Washington shone and sparkled in his heaven of politics and war.⁴ When to all this was added reform in France, he and the youth of Germany promised themselves and all their fellow-men a beautiful and even a glorious future.⁵ The thought of emigrating to America passed placidly over his imagination, leaving no more mark than the shadow of a flying cloud as it sweeps over a flower-garden.

The sale of Hessian soldiers for foreign money called from him words of disdain;⁶ but his reproof of the young Germans who volunteered to fight for the American cause, and then from faint-heartedness drew back, did not go beyond a smile at the contrast between their zeal and their deeds.⁷ He congratulated America that it was not forced to bear up the traditions of feudalism;⁸ and, writing or conversing, used only friendly words of the United States, as "a noble country."⁹ During all his life coming in contact with events that were changing the world, he painted

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¹ Strehlke's *Vorbemerkung* in Hempel's *Goethe*, vii. 5.

² *Goethe*, xxii. 321.

³ *Goethe's Briefe*, iii. 1420, 1421.

⁴ *Goethe's Werke*, xxii. 321.

⁵ *Ibid.*

⁶ *Goethe's Werke*, ed. Hempel, viii. 205.

⁷ *Goethe's Werke*, vii. 42; note in Hempel's ed., viii. 42.

⁸ *Goethe, Hempel's ed.*, iii. 264.

⁹ *Ibid.*, 349, 350; Müller, 25, 31.

CHAP. them to his mind in their order and connection.¹
 II. Just before the French revolution of 1830, he published
 his opinion that the desire for self-government, which
 had succeeded so well in the colonies of North Amer-
 ica, was sustaining the battle in Europe without signs
 of weariness;² and, twenty years before the move-
 ments of 1848, he foretold with passionless serenity
 that, as certainly as the Americans had thrown the tea-
 chests into the sea, so certainly it would come to a
 breach in Germany, if there should be no reconciliation
 between monarchy and freedom.³

Schiller was a native of the part of Germany most inclined to idealism; in mediæval days the stronghold of German liberty; renowned for its numerous free cities, the distribution of land among small freeholders, the total absence of great landed proprietaries, the comparative extinction of the old nobility. Equally in his hours of reflection and in his hours of inspiration, his sentiments were such as became the poet of the German nation, enlightened by the ideas of Kant. The victory which his countrymen won against the Vatican and against error for the freedom of reason was, as he wrote, a victory for all nations and for endless time. He was ever ready to clasp the millions of his fellow-men in his embrace, to give a salutation to the whole world; and he glowed with indignation at princes who met the expenses of profligacy by selling their subjects to war against the rights of mankind.

It is known from the writings of Niebuhr that the political ideas which in his youth most swayed the

¹ Goethe's Werke, xxxiii. 167.

² Ibid., xxxii. 331.

³ Goethe's Briefe, 1419, 1420.

mind of Germany grew out of its fellow-feeling with the United States in their struggle for independence. The truest and best representatives of German intelligence, from every part of the land, joined in a chorus to welcome them to their place among the nations of the earth.

CHAP.
II.

CHAPTER III.

THE RELATIONS OF THE TWO NEW POWERS.

1778.

CHAP.
III.

THE negotiations of Great Britain with the petty princes, who transferred the service of their subjects for money, have been fully related. Duke Ernest of Saxony, cultivated by travel in Holland, England, and France, ruled his principality of Saxe-Gotha and Altenburg with wisdom and justice. By frugality and simplicity in his court, he restored the disordered finances of his duchy, and provided for great public works and for science. Though the king of England was his near relation, he put aside the offers of enormous subsidies for troops to be employed in America.¹ When, ten years later, he was ready to risk his life and independence in the defence of the unity and the liberties of Germany, these are the words in which he cheered on his dearest friend to aid in curbing the ambition of Austria: "All hope for our freedom and the preservation of the constitution is

¹ Hans von Thümmel, *Historische, statistische, geographische, und topographische Beiträge zur Kenntniss des Herzogthums Altenburg*, 1818, 4to. Manuscript letter of Freiherr von Seebach.

not lost. Right and equity are on our side, and the wise Providence, according to my idea of it, cannot approve, cannot support, perjury and the suppression of all rights of citizens and of states. Of this principle the example of America is the eloquent proof. England met with her deserts. It was necessary that her pride should be bowed, and that oppressed innocence should carry off the victory. Time cannot outlaw the rights of mankind.”¹

The friend to whom these words were addressed was the brave, warm-hearted Charles Augustus of Saxe-Weimar, who, in 1776, being then of only nineteen years, refused a request for leave to open recruiting offices at Ilmenau and Jena for the English service,² but consented to the delivery of vagabonds and convicts.³ When, in the last days of November, 1777, the Prince of Schaumburg-Lippe, as the go-between of the British ministry, made unlimited offers of subsidies for some of his battalions, the patriot prince called his ministers to a conference, and, supported by the unanimous advice of those present, on the third of December, he answered: “There are, in general, many weighty reasons why I cannot yield my consent to deliver troops into foreign service and pay;” and it is minuted on the draft that “Serenissimus himself took charge of posting the letter.”⁴

¹ Extract of a letter of Ernst, Herzog zu Sachsen, an den Herzog zu Weimar, Gotha, 24 Feb., 1785. Communicated to me by Dr. Burkhart, in charge of the archives at Weimar. A part of the letter has been already printed in Ranke's *Die deutschen Mächte*, i. 218.

² Wangenheim to the duke, 22 May, 1776.

³ Factum d. 12 Juni. Signed von Fritsch.

⁴ My friend, the late Baron von Watzdorf, gave me copies of the letter of Count Schaumburg-Lippe to the duke, 26 Nov., 1777; the

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The signature of Goethe, the youngest minister of Weimar, is wanting to the draft, for he was absent on a winter trip to the Hartz Mountains; but that his heart was with his colleagues appears from his writing simultaneously from Goslar: "How am I again brought to love that class of men which is called the lower class, but which assuredly for God is the highest! In them moderation, contentment, straightforwardness, patience, endurance, all the virtues, meet together."¹

In like manner, when, in 1775, an overture from England reached Frederic Augustus, the young elector of Saxony, Count Sacken, his minister, promptly reported his decision: "The thoughts of sending a part of his army to the remote countries of the New World touch too nearly his paternal tenderness for his subjects, and seem to be too much in contrast with the rules of a healthy policy."²

Did the future bring honor to the houses of the princes who refused to fight against America? or to those who sold their subjects to destroy the freedom of the New World? Every dynasty which furnished troops to England has ceased to reign, except one, which has now for its sole representative an aged and childless man. On the other hand, the three Saxon families remain; and in their states local self-government has continually increased, and the wisdom and

minute of the consultation of the duke with his ministers; the answer of Carl August, 3 Dec., 1777, and also of the earlier papers.

¹ Goethe's letters, 4 Dec., 1777.

² Communicated from the archives at Dresden by the minister Baron von Friesen, confirmed by

Frederic to Maltzan, 7 Dec., 1775, and Finkenstein and Herzberg ad mandatum, 3 Feb., 1776. "Il me revient au reste à ce sujet, que la cour de Londres a aussi fait faire à Dresde une ouverture préalable relative à une semblable négociation."

the will of the inhabitants been consulted and respected. In Saxe-Weimar, the collision predicted for Germany by Gœthe, between monarchy and popular freedom, was avoided by the wisdom of its administration. CHAP.
III.

Nor is the different fate of the princes to be attributed to accident. The same infidelity to duty which induced some of them to support their vices by traffic in their subjects colored their career, and brought them in conflict with the laws of the eternal Providence.

The prince who, next to Joseph of Austria, governed at that time the largest number of men having the German for their mother tongue, was Frederic of Prussia, then the only king in Germany. He united in himself the qualities of a great regent. Superior to personal and dynastic influences, he lived with and for the people. Free from prejudice, he saw things as they were. His prudence measured his strength correctly, and he never risked extreme danger but for a necessary object. He possessed the inventive faculty which creates resources. He had the strong will that executes with energy, swiftly, and at the right time. He had also the truest test of greatness, moderation.

The people bore him no grudge on account of the distribution of employments; for he never yielded the smallest fraction of political power to the class of nobles, was frugal in rewarding their service, and exacted of them the fulfilment of duty as unsparingly as he exacted it from himself. From an unhappy defect in his education, he never acquired a mastery of the German tongue, and slighted German men of

CHAP. letters; but they magnanimously forgave his neglect,
 III. acted as his allies, and heralded his greatness.

Hardships had shattered his constitution. He was old and broken; had outlived friends, of whom the dearest had fallen near him in battle; had lost all enjoyment in music, in building, in the arts, but not the keen sense of duty. The thought of his campaigns gave him no pleasure, their marvellously triumphant result no pride: he remembered them with awe, and even with horror; like one who has sailed through a long relentless whirlwind in mid-ocean, just escaping shipwreck. No one of the powers of Europe was heartily his ally. Russia will soon leave him for Austria. His great deeds become to him so many anxieties; he dreads the want of perpetuity to his system, which meets with persistent and deadly enmity. He seeks rest; and strong and unavoidable antagonisms allow his wasted strength no repose. He is childless and alone; his nephew, who will be his successor, neglects him,¹ and follows other counsels; his own brother hopes and prays to heaven that the king's days may not be prolonged.² Worn by unparalleled labor and years, he strikes against obstacles on all sides in seeking to give a sure life to his kingdom; and his consummate prudence teaches him that he must still dare and suffer and go on. He must maintain Protestant and intellectual liberty, and

¹ "Domestic events likewise torment him; his successor feeling that, according to the course of nature, he soon must become king, begins to anticipate himself, and treats his uncle with less respect and deference than he did formerly." Harris to Daniel De la

Val, Berlin, 23 Oct., 1775, in Malmesbury Papers, second ed., i. 118.

² Joseph to Kaunitz, Brussels, 24 July, 1781, in Joseph II., Leopold II., und Kaunitz. Herausgegeben von Beer, 97.

the liberty of Germany, against Austria, which uses the imperial crown only for its advantage as a foreign power, and with relentless perseverance aims at the destruction of his realm.

The impartiality of Frederic extended to the forms of government. The most perfect he held to be that of a well-administered monarchy. "But then," he added, "kingdoms are subjected to the caprice of a single man whose successors will have no common character. A good-for-nothing prince succeeds an ambitious one; then follows a devotee; then a warrior; then a scholar; then, it may be, a voluptuary: and the genius of the nation, diverted by the variety of objects, assumes no fixed character. But republics fulfil more promptly the design of their institution, and hold out better; for good kings die, but wise laws are immortal. There is unity in the end which republics propose, and in the means which they employ; and they therefore almost never miss their aim."¹ The republic which arose in America encountered no unfavorable prejudice in his mind.

The relations of Frederic to England and to France changed with the changing character of their governments. Towards the former, a Protestant power, he, as the head of the chief Protestant power on the continent, naturally leaned. Against France, whose dissolute king made himself the champion of superstition, he had fought for seven years; but, with the France which protected the United States, he had a common feeling. Liberal English statesmen commanded his good-will; but he detested the policy of

¹ Des Mœurs et des Coutumes Œuvres de Frédéric le Grand, i. sous la Dynastie des Hohenzollern. 238, 239.

CHAP. III. Bute and of North: so that for him and the United States there were in England the same friends and the same enemies.

1774. In November, 1774, he expressed the opinion that the British colonies would rather be buried under the ruins of their settlements than submit to the yoke of the mother country. Maltzan, his minister in London, yielded to surrounding influences, and in February, 1775, wishing to pave the way for an alliance between the two powers, wrote: "The smallest attention would flatter the ministry beyond all expression." "What motive have I," answered Frederic, "to flatter Lord North? I see none: the love I bear my people imposes on me no necessity to seek the alliance of England."¹ He was astonished at the apathy and gloomy silence of the British nation on undertaking a war alike absurd and fraught with hazard.² "The treatment of the colonies," he wrote in September, "appears to me to be the first step towards despotism. If in this the king should succeed, he will by and by attempt to impose his own will upon the mother country."³

In October, 1775, the British minister at Berlin reported of the Prussian king: "His ill state of health threatens him with a speedy dissolution."⁴ It was while face to face with death that Frederic wrote of the August proclamation of George the Third: "It seems to me very hard to proclaim as rebels free subjects who only defend their privileges against the

¹ Frederic to Maltzan, 27 Feb., 1775.

² Ibid., 17 July, 1775.

³ Ibid., 11 Sept., 1775, and compare 14 Aug., 1775.

⁴ Harris to Suffolk, 7 and 17 Oct., and 21 Nov., 1775. Harris to De la Val, at Copenhagen, 23 Oct., 1775, in Malmesbury Papers, i. 116-118.

despotism of a ministry.”¹ While still but half recovered from a long, painful, and complicated sickness, he explained the processes of his mind when others thought him dying: “The more I reflect on the measures of the British government, the more they appear to me arbitrary and despotic. The British constitution itself seems to authorize resistance. That the court has provoked its colonies to withstand its measures, nobody can doubt. It invents new taxes; it wishes by its own authority to impose them on its colonies in manifest breach of their privileges: the colonies do not refuse their former taxes, and demand only with regard to new ones to be placed on the same footing with England; but the government will not accord to them the right to tax themselves. This is, in short, the whole history of these disturbances.

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III.
1775.

“During my illness, in which I have passed many moments doing nothing, these are the ideas that occupied my mind; and it seems to me that they could not escape any reasonable Englishman who is naturally much more interested than I. Everything which is taking place in America can be to me very indifferent in the main; and I have no cause to embarrass myself either about the form of government that will be established there, or the degree of influence of the party of Bute in the mother country. But every patriotic Englishman must deplore the turn which the affairs of his country are taking under the present administration, and the odious perspective which it opens before him.”²

¹ Frederic to Maltzan, 9 Oct., 1775.

² Frederic to Maltzan, 13 Nov., 1775.

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III.

1775.

“The court carries its point against all principles of true patriotism, and treads under foot the rules of sound policy.”¹ “If I had a voice in the British cabinet, I should take advantage of the good disposition of the colonies to reconcile myself with them.”² “In order to interest the nation in this war, the British court will, it is true, offer conditions of reconciliation; but it will make them so burdensome that the colonies will never be able to accept them.”³ “The issue of this contest cannot fail to make an epoch in British annals.”⁴

“The great question is always whether the colonies will not find means to separate entirely from the mother country and form a free republic. The examples of the Netherlands and of Switzerland make me at least presume that this is not impossible. It is very certain that nearly all Europe takes the part of the colonies and defends their cause, while that of the court finds neither favor nor aid. Persons who have lately been in England, and with whom I have spoken, make no secret with me, that the higher classes of the nation are no longer so enthusiastic for their liberty. From all that I have learned, it appears that the ancient British spirit is almost totally eclipsed.”⁵ When the ministry confessed its inability to reduce the colonies except by the subvention of foreign troops, he wrote: “The imprudence of Lord North shows itself in the clearest light; and surely he ought not to be at his ease, when he considers that it is he who has plunged

¹ Frederic to Maltzan, 27 Nov., 1775.

² Ibid., 30 Nov., 1775.

³ Ibid., 7 Dec., 1775.

⁴ Frederic to Maltzan, 30 Nov., 1775.

⁵ Ibid., 18 Dec., 1775.

his country into this abyss of embarrassment and difficulties.”¹

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III.

No prince could be farther than Frederic from romantic attempts to rescue from oppression foreign colonies that were beyond his reach. In his cabinet papers for several years, relating to England, France, the Netherlands, Russia, and other powers, I have found no letter or part of a letter in which he allowed the interest of his kingdom to suffer from personal pique, or passion, or dynastic influences. His cares are for the country which he rather serves than rules. He sees and exactly measures its weakness as well as its strength; he cares for every one of its disconnected parts, and gathers them all under his wings. But he connects his policy with the movement of the world towards light and reason, the amelioration of domestic and international law.

When in May, 1776, the Prussian minister in London offered to submit a plan for a direct commerce with America, so as to open a sale for Silesian cloths, and at the same time to procure American products at the cheapest rate,² Frederic answered: “The plan appears to me very problematical. Without a fleet, how could I cause such a commerce to be respected?”³ “I shall never be able to form a navy strong enough to protect it.”⁴

In September, he received from his minister in London⁵ a French version of the American declaration of independence. He had predicted that

¹ Frederic to Maltzan, 4 Jan., 1776.

⁴ Frederic to Maltzan, 1 July, 1776.

² Maltzan to Frederic, 21 May, 1776.

⁵ Maltzan to Frederic, 20 Aug., 1776.

³ Frederic to Maltzan, 3 June, 1776.

Frederic to Maltzan, Potsdam, 2 Sept., 1776.

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 1776. measure when first informed that the mother country sought the aid of foreign troops to reduce her colonies;¹ and now, as the British had not had decisive success in arms, the declaration was to him a clear indication that the colonies could not be subjugated. He had heard of the death-bed remark of Hume, that the success of the court would bring to England the loss of her liberties.² "If, under such circumstances," he continued, "the nation should suffer the faction of Bute and the tories to infringe with impunity the form of their government, they certainly merit no longer the name of free Britons."³

With a commercial agent, sent in the following November by Silas Deane, he declined to treat; for he saw endless difficulties in the way of establishing a direct commerce between the United States and Prussia: but he consented to an exchange of commodities through the ports of Brittany.⁴

That France and Spain would be drawn into the war, he from the first foretold, yet not without misgivings as to the effect on themselves.⁵ "France," said he, on the day on which congress in committee decided for independence, "France resembles a sick man who is just rising from a grievous malady and yet assumes the air of robust health."⁶ "In the ruinous condition of its finances, a war would certainly bring bankruptcy in its train."⁷

¹ Frederic to Maltzan, 23 Oct., 1775.

² Maltzan to Frederic, 6 Sept., 1776.

³ Frederic to Maltzan, 10 Oct., 1776.

⁴ Schulenburg to Frederic, 30 Nov., 1776. Frederic to Schulenburg,

2 Dec., 1776. Frederic to Goltz, 2 Dec., 1776.

⁵ Frederic to Goltz, 4 March, 3 April, 11 June, 20 June, 1 July, 23 April, 1776.

⁶ Frederic to Sandoz Rollin, 1 July, 1776.

⁷ Frederic to Maltzan, 8 April,

Meantime the liberties of Germany, not less than those of the United States, were endangered; and the political question of the day assumed the largest proportions. In the event of the death of the childless elector of Bavaria, Joseph of Austria was prepared, under the false pretext of a right of inheritance, to appropriate a large part of that electorate. To prevent so fatal a measure, the king of Prussia, in the last months of 1776, began to draw near to France, which was one of the guarantees of the peace of Westphalia.¹

His desire for a "good understanding" with that power² was cordially reciprocated by Vergennes.³ On the advent of the rupture between France and England, he announced that England should receive no aid from Prussia; and Vergennes on his side gave the hint that France, if it should become involved in the conflict, would confine itself to a maritime war.⁴

The year 1777 opened with nearer approaches between the courts of Potsdam and Versailles.⁵ Frederic, while "he never ceased to be on his guard on every side, and held himself prepared for every event,"⁶ on the seventh of January instructed his minister more definitely: "Should France begin war, she may be sure that I will do everything in the world to preserve peace" on the continent. "Convince the ministry at Versailles of this; and

1776. Compare Frankenstein and Herzberg ad mandatum to Goltz, 28 Sept., 1776.

¹ Frederic to Goltz, 14 Nov., 1776.

² Ibid., 9 Dec., 1776.

³ Goltz to Frederic, 22 Dec., 1776.

⁴ Goltz to Frederic, 26 Dec., 1776.

⁵ Frederic to Goltz, 2 Jan., 1777, and Goltz to Frederic, 2 Jan., 1777.

⁶ Frederic to Goltz, 30 Jan., 1777.

CHAP. III. } add that France will not find me in her way, nor
 1777. } have any reason to complain of my policy."¹ "I
 guarantee to you reciprocity on the part of his
 most Christian majesty," was the answer of Mau-
 repas.²

On the fourteenth of February, 1777, the American commissioners at Paris transmitted to Frederic a copy of the declaration of independence, and of the articles of American confederation, with the formal expression of the earnest desire of the United States to obtain his friendship, and to establish a mutually beneficial free commerce between their distant countries. The great king received from Franklin with unmingled satisfaction the manifesto of the republic and its first essay at a constitution. The victories of Washington at Trenton and Princeton had already proved to him that the colonies were become a nation. He supported the rights of neutrals in their fullest extent; and, when England began to issue letters of marque, he stigmatized privateers as "pirates of the sea."³ But, as to a direct commerce, he could only answer as before: "I am without a navy; having no armed ships to protect trade, the direct commerce could be conducted only under the flag of the Netherlands, and England respects that flag no longer. St. Eustatius is watched by at least ninety English cruisers. Under more favorable circumstances, our linens of Silesia, our woollens and other manufactures, might find a new market." But, while he postponed negotiations, he, who was accustomed to utter his com-

¹ Frederic to Goltz, 7 Jan., 1777. ² Goltz to Frederic, 30 Jan., 1777.

³ Frederic to Goltz, 24 Feb., 1777.

mands tersely and not to repeat his words, charged his minister,¹ thrice over in the same rescript, to say and do nothing that could offend or wound the American people. CHAP.
III.
1777.

In the remaining years of the war, some one of the American agents would ever and anon renew the same proposition; but he always in gentle words turned aside the request which interfered with his nearer duty to Prussia.

I have already related the visit of Arthur Lee to Berlin. The rash man, who was then British envoy to Prussia, attempted to throw upon the officiousness of a servant the blame of having stolen the American papers, which he himself received and read.² Against the rules of the court, he hurried to Potsdam: the king refused to see him; and a scornful cabinet order, in his own handwriting, still preserves his judgment upon Elliott: "It is a case of public theft, and he should be forbidden the court; but I will not push matters with rigor." And to his minister in London the king wrote: "Oh, the worthy pupil of Bute! In truth, the English ought to blush for shame at sending such ministers to foreign courts."³

Whoever will understand the penetrating sagacity of the statesmen of France in the eighteenth century must search the records of their diplomacy: the vigor of the British political mind must be studied in the debates in parliament; at the courts of foreign powers, England in those days did not feel the need of employing able men.

¹ Frederic to Schulenburg, 12 March, 1777.

² Letters of John Quincy Adams on Silesia, 258.

³ Frederic to Maltzan, 30 June, 1777.

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III.

1777.

The people of that kingdom cherished the fame of the Prussian king as in some measure their own; not aware how basely Bute had betrayed him, they unanimously desired the renewal of his alliance; and the ministry sought to open the way for it through his envoy in London. Frederic, in his replies, made the most frank avowal of his policy: "No man is further removed than myself from having connections with England."¹ "We will remain on the footing on which we now are with her."² "France knows perfectly well that it has absolutely nothing to apprehend from me in case of a war with England. My indifference for this latter power can surprise nobody: 'a scalded cat fears cold water,' says the proverb; and, in fact, what could be the union to contract with this crown after the signal experience that I have had of its duplicity? If it would give me all the millions possible, I would not furnish it two small files of my troops to serve against the colonies. Neither can it expect from me a guarantee of its electorate of Hanover. I know by the past too well what the like guarantee has cost me to have any desire to renew it."³ "Although I was then its ally, its conduct towards me was that of a thorough enemy."

"Never in past ages," he continued, some weeks later, "has the situation of England been so critical. The nation itself seems to me to have degenerated. Once so proud and so jealous of its liberty, it abandons the ship of state to the caprice of its ministry, which is without men of talent."⁴ "A reconciliation

¹ Frederic to Maltzan, 24 Feb., 1777.

² Ibid., 3 March, 1777.

³ Frederic to Maltzan, 7 April, 1777.

⁴ Ibid., 4 Aug., 1777.

would be the wisest policy for England; and, because it would be the wisest policy, it will not be adopted.”¹

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“England will make the sacrifice of thirty-six million crowns for one campaign.”² “True, her ministry can find thirty-six millions more easily than I a single florin.”³ “But the largest sums will not be sufficient to procure the sailors and recruits she needs; the storm which is forming between the courts of England and France will burst forth”⁴ “not later than the next spring.”⁵ “And a glance at the situation shows that, if she continues to employ the same generals, four campaigns will hardly be enough to subjugate her colonies.”⁶ “All good judges agree with me that, if the colonies remain united, the mother country will never subjugate them.”⁷

In the interim, Frederic wished the ministry to know that he had refused to the American emissaries the use of Embden as a base for troubling British navigation. “You have only to declare to the British government,” so he instructed his envoy in London, “that my marine is nothing but a mercantile marine, of which I know the limits too well to go beyond them.”⁸ “If the colonies shall sustain their independence, a direct commerce with them will follow, of course.”⁹

Having taken his position towards England, he proceeded to gain the aid of France as well as of Russia against the annexation of Bavaria to the Austrian

¹ Frederic to Maltzan, 13 Oct., 1777.

⁶ Frederic to Maltzan, 28 Aug., 1777.

² Ibid., 28 Aug., 1777.

⁷ Ibid., 7 July, 1777.

³ Ibid., 29 Sept., 1777.

⁸ Ibid., 19 July, 1777.

⁴ Ibid., 19 July, 1777, 85-87.

⁹ Ibid., 7 July, 1777.

⁵ Ibid., 4 Sept., 1777.

CHAP. dominions; and in the breast of the aged Maurepas,
 III. whose experience in office preceded the seven years'
 1777. war, there remained enough of the earlier French traditions to render him jealous of such an aggrandizement of the old rival of his country. The vital importance of the question was understood at Potsdam and at Vienna. Kaunitz, who made it the cardinal point of Austrian policy to overthrow the kingdom of Prussia, looked upon the acquisition of Bavaria as the harbinger of success. When Joseph repaired to Paris to win France for his design through the influence of his sister, Marie Antoinette, the Prussian envoy was commanded to be watchful, but to be silent. No sooner had the emperor retired than Frederic, knowing that Maurepas had resisted the influence of the queen, renewed his efforts; and, through a confidential French agent sent to him under the pretext of attending the midsummer military reviews at Magdeburg, the two kingdoms adjusted their foreign policy, of which the central points lay in the United States and in Germany.

France, if she would venture on war with England, needed security and encouragement from Frederic on the side of Germany, and his aid to stop the sale of German troops.¹ He met the overture with joy, and near the end of July wrote with his own hand: "No; certainly we have no jealousy of the aggrandizement of France: we even put up prayers for her prosperity, provided her armies are not found near Wesel or Halberstadt."² "You can assure M. de Maurepas," so he continued in August and Septem-

¹ Sandoz Rollin to Frederic, 24 July, 1777.

² Frederic to Goltz, 28 July, 1777.

ber, "that I have no connection whatever with Eng-
land, nor do I grudge to France any advantages she
may gain by the war with the colonies."¹ "Her first
interest requires the enfeeblement of Great Britain,
and the way to this is to make it lose its colonies
in America. The present opportunity is more favor-
able than ever before existed, and more favorable
than is likely to recur in three centuries."² "The
independence of the colonies will be worth to France
all which the war will cost."³

As the only way to bridle the ambition of Austria,
and to preserve the existence of his own kingdom and
the liberties of Germany, he pressed upon the French
council an alliance of France, Prussia, and Russia.
"Italy and Bavaria," he said, "would follow, and no
alliance would be left to Austria except that with
England.⁴ If it does not take place, troubles are at
hand to be decided only by the sword."⁵ In his
infirm old age, he felt his own powers utterly un-
equal to the renewal of such a conflict; and he saw
no hope for himself, as king of Prussia, to rescue
Bavaria and with it Germany from absorption by
Austria, except in the good-will of France and
Russia.

While Frederic was encouraging France to strike
a decisive blow in favor of the United States, their
cause found an efficient advocate in Marie Antoinette.
She placed in the hands of her husband a memoir
which had been prepared by Count de Maillebois and

¹ Frederic to Goltz, from Neu-
dorf, 31 Aug., 1777.

² Frederic to Goltz, 8 Sept.,
1777.

³ Frederic to Goltz, 11 Sept.,
1777.

⁴ Ibid., 2 Oct., 1777, and 6
Oct., 1777.

⁵ Ibid., 16 Oct., 1777.

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 1777. Count d'Estaing,¹ and which severely censured the timid policy of his ministers from the very beginning of the troubles in America. The states of Europe, it was said, would judge the reign of Louis the Sixteenth by the manner in which that prince will know how to avail himself of the occasion to lower the pride and presumption of a rival power. The French council, nevertheless, put off the day of decision. Even so late as the twenty-third of November, every one of them, except the minister of the marine and Vergennes, Maurepas above all, desired to avoid a conflict.² Frederic, on his part, all the more continued his admonitions, through his minister at Paris, that France had now an opportunity which must be regarded as unique; that England could from no quarter obtain the troops which she needed; that Denmark would be solicited in vain to furnish ships of war and mariners; that he himself, by refusing passage through any part of his dominions to the recruits levied in Germany, had given public evidence of his sympathy with the Americans; that France, if she should go to war with England, might be free from apprehension alike on the side of Russia and of Prussia.

So when the news of the surrender of Burgoyne's army was received at Paris, and every face, even that of the French king, showed signs of joy,³ Maurepas prepared to yield; but first wished the great warrior who knew so well the relative forces of the house of Bourbon and England to express his

¹ Goltz to Frederic, 5 Oct., 1777. ² Goltz to Frederic, 23 Nov., 1777.

³ Goltz to Frederic, 7 Dec., 1777.

judgment on the probable issues of a war; and Frederic, renewing assurances of his own good-will and the non-interference of Russia, replied, "that the chances were one hundred to one in favor of great advantages to France; that the colonies would sustain their independence."¹

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III.
1777.

Balancing the disasters of Burgoyne with the successes of Howe, he wrote: "These triumphs of Howe are ephemeral. The ministry would feel a counter-blow if the English had not degenerated from their ancient spirit. They may get funds, but where will they get twenty thousand men? Neither Sweden nor Denmark will furnish them; and, as she is at variance with Holland, she will find no assistance there. Will England apply to the small princes of the empire? Their military force is already too much absorbed. I see no gate at which she can knock for auxiliaries; and nothing remains to her but her electorate of Hanover, exposed to be invaded by France the moment that she shall leave it bare of troops."²

"England made originally an awkward mistake in going to war with its colonies; then followed the illusion of being able to subjugate them by a corps of seven thousand men; next, the scattering its different corps, which has caused the failure of all its enterprises. I am of Chatham's opinion, that the ill success of England is due to the ignorance, rashness, and incapacity of its ministry. Even should there be a change in the ministry, the tories would still retain

¹ Frederic to Goltz, 25 Dec., 1777. Compare Frederic to Maltzan, 22 Dec., 1777.

² Frederic to Maltzan, 18 Dec., 1777.

CHAP. the ascendancy.”¹ “The primal source of the de-
 III. cay of Britain is to be sought in the departure of
 1777. its present government in a sovereign degree from
 the principles of British history. All the efforts
 of his Britannic majesty tend to despotism. It is
 only to the principles of the tories that the present
 war with the colonies is to be attributed. The re-en-
 forcements which these same ministers design to send
 to America will not change the face of affairs; and
 independence will always be the indispensable con-
 dition of an accommodation. Everything is to be
 expected from a ministry as corrupt as the present
 British ministry. It is entirely a slave to the king,
 who will make of it whatever he pleases. Without
 patriotism, it will take no measures but false ones,
 diametrically contrary to the true interests of the
 country; and this will be the first step towards the
 decay which menaces the British constitution.”²

At the same time Frederic expressed more freely
 his sympathy with the United States. The port of
 Embden could not receive their cruisers, for the want
 of a fleet or a fort to defend them from insult; but
 he offered them an asylum in the Baltic at Dantzic.
 He attempted, though in vain, to dissuade the prince
 of Anspach from furnishing troops to England; and
 he forbade the subsidiary troops both from Anspach
 and Hesse to pass through his dominions. The pro-
 hibition, which was made as publicly as possible, and
 just as the news arrived of the surrender of Burgoyne,
 resounded throughout Europe; and he announced to
 the Americans that it was given “to testify his good-

¹ Frederic to Maltzan, 22 Dec.,
 1777.

² Frederic to Maltzan, 25 Dec.,
 1777.

will for them.”¹ Every facility was afforded to the American commissioners to purchase and ship arms from Prussia. Before the end of 1777 he promised not to be the last to recognise the independence of the United States;² and in January, 1778, his minister, Schulenburg, wrote officially to one of their commissioners in Paris: “The king desires that your generous efforts may be crowned with complete success. He will not hesitate to recognise your independence, when France, which is more directly interested in the event of this contest, shall have given the example.”³

CHAP.
III.

1777.

1778.
Jan.

¹ Schulenburg to Wm. Lee, 3 Feb., 1778. ² Schulenburg to Arthur Lee, 18 Dec., 1777.

³ Schulenburg to Arthur Lee, 16 Jan., 1778.

CHAPTER IV.

THE BRITISH RETREAT FROM PENNSYLVANIA.

MAY-JUNE, 1778.

CHAP.
IV.

1778.
May.

THE rescript of France, which announced to the British ministry her acknowledgment of American independence, assumed as a principle of public law that a nationality may, by its own declaration, speak itself into being. The old systems of the two governments were reversed. The British monarchy, which from the days of William of Orange had been the representative of toleration and liberty, put forth its strength in behalf of unjust authority; while France became the foster-mother of republicanism. In one respect France was more suited than Britain to lead the peoples of Europe in the road to freedom. On the release of her rural population from serfdom, a large part of them retained rights to the soil; and, though bowed down under grievous burdens and evil laws, they had a shelter and acres from which they could not be evicted. The saddest defect in English life was the absence of a class of

small freeholders, the class which constituted the strength of France, of the most enlightened parts of Germany, and of the states which Great Britain had formed by colonization. In England and Scotland and Ireland, though "the property by feudal law was strictly in the tenant,"¹ the feudal chiefs had taken to themselves in absolute ownership nearly all the ground; the landless people, dependent in the rural districts on their lords, were never certain of their to-morrow; and the government was controlled by an aristocracy which had no political check but in the crown.

CHAP.
IV.1778.
May.

On the fourth of May the treaties of commerce and alliance with Louis the Sixteenth were unanimously ratified by congress, with grateful acknowledgments of his magnanimous and disinterested conduct, and the "wish that the friendship so happily commenced between France and the United States might be perpetuated." The rivalries of centuries, in which the Americans had been involved only from their dependence on England, were effaced for ever; all Frenchmen became their friends, and the king of France was proclaimed "the protector of the rights of mankind."

4.

In Washington's camp Lafayette smiled as he read, that his government dated the independence of America from the moment of its own declaration, and said prophetically: "Therein lies a principle of national sovereignty which one day will be recalled to them at home." On the sixth the alliance was celebrated at Valley Forge. After a salute of thirteen cannon and a running fire of all the musketry,

a.

¹ Hallam's Middle Ages, i. 316, ed. 1872.

CHAP. the army, drawn up in two lines, shouted: "Long
IV. live the king of France!" and again: "Long live
1778. the friendly European powers!" and the ceremonies
May were closed by a huzza for the American states.
8.

In an address to the inhabitants of the United States, congress assumed that independence was secured, and they proclaimed the existence of a new people, though they could not hide its want of a government. They rightly represented its territory as of all others the most extensive and most blessed in its climate and productions; they confessed financial embarrassments, because no taxes had been laid to carry on the war; and they invited their countrymen to "bring forth their armies into the field," while men of leisure were encouraged to collect moneys for the public funds. In return for all losses, they promised "the sweets of a free commerce with every part of the earth."

18. On the eighteenth of May a festival was given to General Howe by thirty of his officers, most of them members of his staff. The numerous company embarked on the Delaware above the town, and, to the music of one hundred and eight hautboys, rowed two miles down the stream in galleys and boats, glittering with colors and streamers. They passed two hundred transport vessels tricked out in bravery and crowded with lookers-on; and, landing to the tune of "God save the king" under salutes from two decorated ships of war, they marched between lines of cavalry and infantry and all the standards of the army to a lawn, where, in presence of their chosen ladies raised on thrones, officers, fantastically dressed as knights and squires, engaged in a tournament.

After this they proceeded under an ornamented arch to a splendidly furnished house, where dancing began; and a gaming table was opened with a bank of two thousand guineas. The tickets of admission described the guest of the night as the setting sun, bright at his going down, but destined to rise in greater glory; and fireworks in dazzling letters promised him immortal laurels. At midnight a supper of four hundred and thirty covers was served under the light of twelve hundred wax candles, and was enlivened by an orchestra of more than one hundred instruments. Dancing continued till the sun was more than an hour high.¹ Never had subordinates given a more brilliant farewell to a departing general: and it was doubly dear to their commander; for it expressed their belief that the ministry had wronged him, and that his own virtue pointed him out for advancement.

CHAP.
IV.1778.
May
18.

19.

The festival was hardly over, when Howe was informed that Lafayette, with twenty-five hundred men and eight cannon, had crossed the Schuylkill, and, twelve miles from Valley Forge, had taken a post of observation on the range of Barren Hill. Flushed with the hope of ending his American career with lustre, he resolved by a swift movement to capture the party. At ten on the night of the nineteenth, he sent Grant at the head of fifty-three hundred chosen men, with the best guides, to gain by roundabout ways the rear of Lafayette. They were followed the next morning by fifty-seven hundred selected troops, commanded by Howe himself, assisted by Clinton and Knyphausen, with Lord

20.

¹ MS. Journal of Münchhausen, aide-de-camp of General Howe.

CHAP.
IV.1778.
May
20.

Howe to witness the discomfit of the youthful general, whom he was to ship to England. At Chestnut Hill they were to meet the American party after its rout; but they listened in vain for the sound of cannon, and at noon Grant came in sight with only his own detachment. Lafayette had been surprised and his direct communication with Valley Forge cut off; but a lower ford called Matson's, which was nearer to Grant than to him, remained unoccupied. Sending small parties into the woods, to present themselves as the heads of attacking columns, he had deceived his antagonist, and crossed the ford while Grant was preparing to give battle.

24. Wayworn and crestfallen, Howe returned to the city. On the twenty-fourth he gave up to Sir Henry Clinton the command of an army which excelled in discipline, health, and alertness. Of the officers who attended him to the place of embarkation, the most gallant shed tears at the parting; and Knyphausen, from deep emotion, could not finish the address which he began in their name.

Brave and an adept in military science, Howe had failed in the conduct of the war from sluggish dilatoriness, want of earnest enterprise, and love of the pleasures which excite a coarse nature. On landing near Bunker Hill he had sufficient troops to have turned the position of the Americans; but he delayed just long enough for them to prepare for his attack. He was driven out of Boston from his most unmilitary neglect to occupy Dorchester heights which overlook the town. He took his troops in midwinter to the bleak, remote, and then scarcely inhabited Halifax, instead of sailing to Rhode Island,

or some convenient nook on Long Island within the sound, where he would have found a milder climate, greater resources, and nearness to the scene of his next campaign. In the summer of 1776, marching by night to attack General Putnam in his lines at Brooklyn, he lost the best chance of success by halting his men for rest and breakfast. When his officers still reported to him that they could easily storm the American intrenchments, he forbade them to make the attempt. His want of vigilance was so great that he let Washington pass a day in collecting boats, and a night and morning in retreating across an arm of the sea, and knew not what was done till he was roused from slumber after sunrise.

When with his undivided force he might have reached Philadelphia, he detached four brigades and eleven ships of war to Rhode Island, where the troops remained for three years in idle uselessness. Failing to cross the Delaware, he occupied New Jersey with insulated detachments which Washington was able to cut to pieces in detail. In 1777, instead of an early and active campaign, he lingered in New York till midsummer, and then neglected to make a connection with Burgoyne. He passed the winter in Philadelphia without once attempting to break up the American camp at Valley Forge, corrupting his own army by his example of licentiousness, and teaching the younger officers how to ruin themselves by gaming. The manner in which he threw up his command was a defiance of his government, and an open declaration to all Europe¹ that the attempt of England to reduce its colonies must certainly fail. The

¹ Frederic to Maltzan, 7 July, 1777.

CHAP.
IV.

1778.

affections of his officers were so won by indulgence, that they parted from such a general as though they were bidding farewell to a meritorious commander. Nothing saved him from reprobation in England but that Lord George Germain had made mistakes still graver than his own.

June
6.

Meantime Lord Howe and Sir Henry Clinton, each acting under special instructions, separately communicated the three conciliatory acts of parliament to congress, who received them on the sixth of June, and on the same day answered: "They have in April last expressed their sentiments upon bills not essentially different from those acts. When the king of Great Britain shall be seriously disposed to end the unprovoked war waged against these United States, they will readily attend to such terms of peace as may consist with the honor of independent nations and the sacred regard they mean to pay to treaties."

On the day of this second rejection of Lord North's offers, the three British commissioners arrived in Philadelphia. In sailing up the Delaware, they had seen enough "to regret ten thousand times that their rulers, instead of a tour through the worn-out countries of Europe, had not finished their education with a visit round the coasts and rivers of this beautiful and boundless continent." The English rivers shrunk for them into rills; they predicted that in a few years the opulent "village" of Philadelphia, which it seemed to them most melancholy to desert, would become a magnificent metropolis. The result of their mission was watched with intense interest throughout all Europe, especially at Versailles and in the Netherlands; but the creation of their office was a mere

device to aid Lord North in governing the house of commons, and to "reconcile the people of England to a continuance of the war."¹ Carlisle, the first commissioner, had in the house of lords "spoken with warmth upon the insolence of the rebels" for refusing to treat with the Howes, and had stigmatized the people of America as "base and unnatural children" of England. The second commissioner was an under-secretary, whose chief, a few weeks before, in the same assembly, had scoffed at congress as a "body of vagrants."² The third was Johnstone, who had lately in parliament justified the Americans and charged the king with hypocrisy.

There never was any expectation on the part of the ministry that the commission would be successful, or it would have been differently constituted. In the certainty that it would not be received, Germain had given orders for the prosecution of the war, and on a different plan,³ such as a consciousness of weakness might inspire in a cruel and revengeful mind. Clinton was ordered to abandon Philadelphia; to hold New York and Rhode Island; to curtail the boundaries of the thirteen states on the north-east and on the south; to lay waste Virginia by means of ships of war; and to attack Providence, Boston, and all accessible ports between New York and Nova Scotia, destroying vessels, wharfs, stores, and materials for ship-building. At the same time the Indians, from Detroit⁴ all along the frontiers of the west and

CHAP.
IV.

1778.

¹ Richard Jackson to Wm. S. Johnson, 30 Nov., 1784, MS.

² Suffolk, 11 Dec., 1777, in Almon, x. 119; Burke, iii. 372.

³ "Most" secret instructions of

Lord George Germain to Sir H. Clinton, Whitehall, 8 March, 1778.

⁴ Germain's Canada Correspondence, *passim*.

CHAP.
IV.

1778.

south¹ to Florida, were to be hounded on to spread dismay and to murder. No active operations at the north were expected, except the devastation of towns on the sea, and raids of the allied savages on the border. The king, under his sign-manual, ordered Clinton to detach five thousand men for the conquest of the French island, St. Lucia.²

June.

As the commissioners stepped on shore to receive the submission of the colonies,³ and on their submission to pardon their rebellion, they found to their extreme surprise and chagrin⁴ that orders for the immediate evacuation of Philadelphia had preceded them, and were just being executed. About three thousand of the most tenderly bred of the inhabitants were escaping to embark in British ships. "The commission," it was said, "can do no good now: if Philadelphia is left to the rebels, independence is acknowledged, and America lost." In the streets that lately had the air of one continuous market-day, the stillness was broken by auctions of furniture which lay in heaps on the sidewalks. Those who resolved to stay roused mournfully from a delusive confidence in British protection to restless anxiety. In this strait the commissioners, as representatives of Britain, thought fit, in a communication to congress sealed with the image of a fond mother caressing her children,⁵ to recognise the constituency

¹ Lord George Germain to General Prevost, Whitehall, 13 March, 1779.

² Secret instructions from the king to Sir H. Clinton, 21 March, 1778.

³ The "particular and elaborate" "orders and instructions" to the commissioners from the

king, 12 April, 1778; and Germain to the commissioners of the same date.

⁴ Commissioners to Lord George Germain, Philadelphia, 15 June, 1778, and particularly postscript by Governor Johnstone.

⁵ J. Laurens to his father, 11 June, 1778.

of congress as "states," and pressed them to accept perfect freedom of legislation and of internal government, representation in parliament, and an exemption from the presence of military forces, except with their own permission; in short, the gratification of "every wish that America had expressed." And they insinuated that France was the common enemy.

CHAP.
IV.

1778.
June.

These offers, which were made without authority¹ and were therefore fraudulent, they wrote from a flying army; and, before an answer could be received, they had sailed down the Delaware. The land crowned with stately forests, and seeming to them the richest country in the world; the river covered with vessels in full sail crowded with people leaving the city of their birth and all their property, except what they could carry with them, and hurrying from an enemy consisting in part of relations and friends, — presented a spectacle the most beautiful and the most sad.

Congress resented the letter of the commissioners as an offence to their own honor and to their ally. They knew that their wars with France had been but a consequence of their connection with England; that independence was peace; and, by a unanimous vote, they on the seventeenth made answer as before: 17.
"The idea of dependence is inadmissible. Congress will be ready to enter upon a treaty of peace and commerce, when the king of Great Britain shall demonstrate a sincere disposition for that purpose by an explicit acknowledgment of the independence of these states, or withdrawing his fleets and armies." The American officers were of the same mind, except

¹ George the Third to Lord North, 18 Sept., 1780.

CHAP. IV. Lee, who was false, and Gates, who, in the belief that
1778. everything contended for was granted, wished a
conference with the commissioners. Washington,
reproving Johnstone for addressing him a private
letter, assured him that "the voice of congress was
the general voice of the people."

The convention of Saratoga had been broken by the British at the time of the surrender by the concealment of the public chest and other public property of which the United States were thus defrauded. In November, 1777, Burgoyne had written a rash and groundless complaint of its violation by the Americans, and raised the implication that he might use the pretended breach to disengage himself and his government from all its obligations. In January, 1778, congress suspended the embarkation of his army until his capitulation should be expressly confirmed by the court of Great Britain. Congress had also made a demand for lists of all persons comprehended in the surrender; and a compliance with this very proper and even necessary requisition had been refused. The commissioners now desired to intervene and negotiate for leave for the captives to return to Europe. But their powers under their appointment reached the case only by construction; and their acts might be disclaimed by their government as unwarranted. Besides, by their attempts at bribery, they had forfeited every claim to confidence. Congress, therefore, on the fourth of September, without a dissentient voice, resolved to detain the troops till it should receive the most formal and irrevocable ratification of the convention by the highest authority in Great Britain. The British, on their

side, complained that an essential condition of the capitulation remained unexecuted.

CHAP.
IV.

On the night following the seventeenth of June, Sir Henry Clinton crossed the Delaware with more than seventeen thousand effective men. To the loyalists the retreat appeared as a violation of the plighted faith of the British king. The winter's revelry was over; honors and offices turned suddenly to bitterness and ashes; papers of protection were become only an opprobrium and a peril. Crowds of wretched refugees, with all of their possessions which they could transport, fled with the army. The sky sparkled with stars; the air of the summer night was soft and tranquil, as the exiles, broken in fortune and without a career, went in despair from the only city they could love.

1778.
June
17.

18.

Had the several states fully met the requisitions of congress, the army of Washington would have been the master of New Jersey; but while it was pining from their delinquency, Lee, then second in command, was treacherously plotting its ruin. His loud fault-finding was rebuked by the general for its "very mischievous" tendency.¹ To secure to the British a retreat "on velvet,"² he had the effrontery to assert that, on leaving Philadelphia, they would move to the south. But the attempt to mislead Washington was fruitless. In a council on the seventeenth, Lee advised that it would not be safe to attack the British, and carried with him all the officers except Greene, Lafayette, Wayne, and Cadwalader. Unmoved by the apathy of so many, Washington crossed

¹ Washington's Writings, v. 404, 406, 407.

² Clinton, in Anbury's Travels, ii. 382.

CHAP.
IV.1778.
June
24.

the Delaware sixteen miles above Trenton, and detaching Maxwell's brigade of nine hundred to assist a party of a thousand Jersey militia in destroying the roads, and Morgan with a corps of six hundred to hang upon the enemy's right, he moved with the main army to Hopewell. There, on the twenty-fourth, Lee insisted in council that the Americans should rather build a bridge for the retreat of their enemies, than attack so well-disciplined an army. Lafayette replied that it would be shameful to suffer the British to cross New Jersey with impunity; that, without extreme risk, it was possible to engage their rear, and to take advantage of any favorable opportunity: yet Lord Stirling and most of the brigadiers again sided with Lee. From Allentown the British general, fearing danger in crossing the Raritan, decided to march by way of Monmouth to Sandy Hook; and Washington followed him in a parallel line, ready to strike his force at right angles.

25.

The parties in advance, increased by Scott with fourteen hundred and forty men, and on the twenty-fifth by Wayne with a thousand more, composed a third of the army, and formed a fit command for the oldest major-general. But Lee refused it, saying that the plans of the commander-in-chief must surely fail. Upon this Washington intrusted it to Lafayette, who marched towards the enemy with alacrity. Lee now fretted at the wrong which he pretended was done to himself and to Lord Stirling. As Washington heard him unmoved, he wrote to Lafayette: "My fortune and my honor are in your hands: you are too generous to ruin the one or the other." And this appeal succeeded.

On the twenty-sixth Lee was sent forward with two brigades, to command the whole advance party, with orders to attack the enemy's rear. Intense heat and heavy rains held both armies quiet on the twenty-seventh; but just after noon on that day Washington, summoning the generals to headquarters, instructed them to engage the enemy on the next morning; and he directed Lee to concert with his officers the mode of attack. But when Lafayette, Wayne, and Maxwell at the appointed hour came to Lee, he refused to form a plan, so that none was made. Nor did he attempt to gain knowledge of the ground on which he was ordered to fight. In the evening he was charged by Washington to detach a party of six or eight hundred skirmishers to lie very near the enemy, and delay them, if they should move off at night, or early in the morning. The order was executed too tardily to have effect.

CHAP.
IV.1778.
June
27.

Informed, at five in the morning of the twenty-eighth, that the British had begun their march from Monmouth, Lee remained inert, till Washington, who was the first to be in motion, sent him orders to attack the British rear, unless there should be very powerful reasons to the contrary, promising to come up rapidly to his support. He obeyed so far as to move, but languidly, without a plan, and without any concert with his generals, or of them with one another. To a proposal of Lafayette, Lee answered: "You don't know the British soldiers: we cannot stand against them." Upon this Lafayette sent to Washington, that his presence on the field was needed; and twice were similar messages sent by Laurens. Having orders to attack the enemy's left, Lafayette received

28.

CHAP. counter orders before he had proceeded one quarter
IV. of the way. Wayne was on the point of engaging
1778. the enemy in earnest, when he was enjoined only
June 28. to make a feint. There was marching and counter-
marching, crossing and recrossing a bridge, and a
halt for an hour. To a French officer who expressed
surprise, Lee said: "I have orders from congress and
the commander-in-chief not to engage." Yet, to ap-
pear to do something, he professed as his object to
cut off a small covering party.

Thus Sir Henry Clinton gained time for prepara-
tion. His baggage, which occupied a line of eight
miles or more, was sent onward, protected by a strong
force under Knyphausen. The division of Cornwallis,
and a brigade and a regiment of dragoons from Knyp-
hausen's division, remained behind. At about eight
in the morning Clinton sent against Lee two regi-
ments of cavalry with the grenadiers, guards, and
highlanders. Lee should now have ordered a re-
treat; but he left the largest part of his command
to act for themselves, and then expressed indignation
that they had retreated, confessing in the same breath
that this act alone saved them from destruction.
There had been no engagement, attack, or skirmish;
nor was anything done to check the enemy as they
followed the Americans through a narrow defile; nor
was an order sent by Lee to any of the parties to rally,
or a report transmitted to the commander-in-chief.

When Washington encountered the fugitives, he,
in a voice of anger, demanded of Lee: "What is
the meaning of this?" Abashed and confused, Lee
stammered: "Sir — Sir," and to the renewed inquiry
answered: "You know that the attack was contrary

to my advice and opinion.”¹ Washington rejoined: “You should not have undertaken the command, unless you intended to carry it through.” The precipitate flight of Lee, whether due to necessity, or the want of ability, or treachery, spread a baleful influence. The flower of the British army, led by Clinton and Cornwallis and numbering from six to eight thousand, were hotly chasing an unresisting enemy, when Washington, with his faculties quickened by the vexations of the morning and with cheerful “trust in that Providence which had never failed the country in its hour of distress,” took measures to arrest the retreat. As the narrow road through which the enemy came on was bounded on each side by a morass, he swiftly formed two of the retreating regiments of Wayne’s brigade, commanded by Stewart and Ramsay, in front of the pursuers and under their fire; and thus gained time to plant the troops that were advancing with him upon good ground. This being done, he again met Lee, who was doing nothing, “like one in a private capacity;” and, finding in him no disposition to retrieve his character,² ordered him to the rear. Lee gladly left the

CHAP.
IV.

1778.
June
28.

¹ John Laurens to his father, 30 June, 1778, MS.

² When Botta’s admirable history of our war of independence was translated into English, John Brooks of Massachusetts, who, on the day at Monmouth, was Lee’s aide-de-camp, and on the trial was one of his chief witnesses, very emphatically denied the statement, that Lee had done good service on the field after meeting with Washington. Remarks of John Brooks on the battle of Monmouth; written down by J. Welles. Com-

pare Autograph Memoirs of Lafayette. Steuben: “I found General Lee on horseback before a house.” Doctor Machenry: “The General [Lee] was on horseback, observing to a number of gentlemen who were standing around, that it was mere folly to make attempts against the enemy.” Hamilton: “I heard no measures directed, nor saw any taken by him” [Lee], &c. The words of Lee are clear; he says he regarded himself as reduced to a private capacity. Trial of Lee.

CHAP.
IV.1778.
June
28.

field, believing that the Americans would be utterly beaten. Even Laurens hoped for no more than an orderly retreat, and Hamilton's thought was to die on the spot. But Washington's self-possession, his inspiring mien, his exposure of himself to every danger, and the obvious wisdom of his orders kindled the enthusiasm of officers and men; while Lee in the rear, sitting idly on horseback, explained to bystanders that "the attempt was madness and could not be successful." The British cavalry were easily driven back, and showed themselves no more. The regiments of foot came up next; but they could not turn the left flank where Stirling commanded, without exposing their own right to the American artillery. The attack upon the right where Greene commanded was defeated by his battery; while others encountered the grenadiers and guards till they turned and fled. As they rallied and came back to the charge, Wayne with a body of infantry engaged them face to face till they were again repulsed after great slaughter, Lieutenant-Colonel Monckton falling at the head of the grenadiers. During the day the heat reached ninety-six degrees in the shade, and many on both sides, struck by the sun, fell dead without a wound.

The British retreated through the pass by which they had advanced, and occupied a position accessible in front only by the narrow road, and protected on both flanks by woods and morasses which could not be turned before night. Two American brigades hung on their right, a third on their left; while the rest of the army planted their standards on the field of battle, and lay on their arms to renew the contest

at daybreak. But Clinton, abandoning his severely wounded and leaving his dead unburied, withdrew his forces before midnight; and at the early dawn they found shelter in the highlands of Middleburg. Washington then marched towards the North river; the British for New York by way of Sandy Hook.

CHAP.
IV.

1778.

On receiving the English accounts, Frederic of Prussia replied: "Clinton gained no advantage except to reach New York with the wreck of his army; America is probably lost for England."

Of the Americans who were in the engagement two hundred and twenty-nine were killed or wounded; of the British more than four hundred, and above eight hundred deserted their standard during their march through the Jerseys.

In the battle which took its name from the adjacent village of Monmouth, the American generals, except Lee, did well: Wayne especially established his fame. The army and the whole country resounded with the praises of Washington, and congress unanimously thanked him "for his great good conduct and victory." Nor may history omit to record that, of the "revolutionary patriots" who on that day perilled life for their country, more than seven hundred black¹ Americans fought side by side with the white.

After the battle Lee was treated from headquarters with forbearance; but in two letters to the commander-in-chief he avowed the expectation that the campaign would close the war,—that is, that the terms offered by the British commissioners would be accepted,—and demanded reparation for injustice

¹ Record communicated by George H. Moore.

CHAP. and injury. A court-martial found him guilty of
 IV. disobedience, misbehavior before the enemy, and
 1778. disrespect to the commander-in-chief, and all too
 leniently did but suspend him from command for
 twelve months. After long delay congress con-
 firmed the sentence ; the next year it censured Lee
 for obtaining money through British officers in New
 York ; and in January, 1780, provoked by an imper-
 tinent letter, dismissed him from the service. From
 that time he no longer concealed his wish for the
 return of America to her old allegiance ; and his
 chosen companions were the partisans of England.
 He persisted in advising a rotation in military office,
 so that Washington might be removed ; and for the
 United States he predicted two years of anarchy,
 from 1780 to 1782, to be followed by an absolute
 tyranny. Under the false colors of military genius
 and experience in war, he had solicited a command ;
 after his appointment he had given the reins to
 self-will, so that misfortune overtook his treachery.
 In October, 1782, sinking under a fever in a sordid
 inn at Philadelphia, he died as he had lived, loving
 neither God nor man.

This year is memorable for the far-seeing advice
 of a neglected New-England man, standing alone
 and sustained only by his own firmness of mind.
 Jonathan Carver of Connecticut, who had taken part
 in the war that wrested Canada from France, had, as
 a traveller, with rare intrepidity penetrated the wil-
 derness beyond Green bay and the Wisconsin river
 to the west of what is now Minnesota or even to
 Dakota. In the midst of the confusion of war, he
 published in England his travels, with a preface full

of deep feeling and of happy predictions that mighty states would emerge from these wildernesses; that solemn temples would supplant the Indian huts which had no decorations but the barbarous trophies of their vanquished enemies; that, to those who would undertake it, a settlement on the Pacific would bring emoluments beyond their most sanguine expectations, and would disclose new sources of trade, develop national advantages, and form the shortest and most convenient line of communication between Europe and China.

CHAP.
IV.
1778.

CHAPTER V.

HOW FAR AMERICA HAD ACHIEVED INDEPENDENCE AT
THE TIME OF THE FRENCH ALLIANCE.

JULY-SEPTEMBER, 1778.

CHAP.
V.

1778.

CONFINED between ridges three miles apart, the Susquehanna, for a little more than twenty miles, winds through the valley of Wyoming. Abrupt rocks, rent by tributary streams, rise on the east, while the western declivities are luxuriantly fertile. Connecticut, whose charter from Charles the Second was older than that of Pennsylvania, using its prior claim to lands north of the Mamaroneck river, had colonized this beautiful region and governed it as its county of Westmoreland. The settlements, begun in 1754, increased in numbers and wealth till their annual tax amounted to two thousand pounds in Connecticut currency. In the winter of 1776, the people aided Washington with two companies of infantry, though their men were all needed to protect their own homes. Knowing the alliance of the British with the Six Nations, they built a line of ten forts as places of refuge.

The Seneca tribe kept fresh in memory their chiefs and braves who fell in the conflict with the New York husbandmen at Oriskany. Their king, Sucingerach-ton, was both in war and in council the foremost man in all the Six Nations. Compared with him, the Mo-hawk, Brandt, who had been but very lately known upon the war path, was lightly esteemed.¹ His at-tachment to the English increased to a passion on the alliance of America with the French, for whom he cherished implacable hate. Through his interest, and by the blandishments of gifts and pay and chances of revenge, Colonel John Butler lured the Seneca warriors to cross the border of Pennsylvania under the British flag.

CHAP.
V.
1778.
June.

The party of savages and rangers, numbering be-tween five hundred and seven hundred men, fell down the Tioga river, and on the last day of June hid in the forests above Wyoming. The next day the two northernmost forts capitulated. The men of Wyo-ming, old and young, with one regular company, in all hardly more than three hundred, took counsel with one another, and found no hope of deliverance for their families but through a victorious encounter with a foe of twice their number, and more skilful in the woods than themselves. On the third of July, the devoted band, led by Colonel Zebulon Butler, who had just returned from the continental service, began their march up the river. The horde of invaders, pretending to retreat, couched themselves on the ground in an open wood. The villagers of Wyoming

30.
July
1.

3.

¹ Haldimand to Germain, 15 Sept., 1779. Brandt was not at Wyoming. This appears from Butler's report; and compare Brodhead Documents, viii. 752.

CHAP. V. began firing as they drew near, and at the third vol-
1778. ley stood within one hundred yards of the ambush, when the Seneca braves began the attack and were immediately seconded by the rangers. The Senecas gave no quarter, and in less than a half hour took two hundred and twenty-five scalps, among them those of two field officers and seven captains. The rangers saved the lives of but five of their captives.¹ On the British side only two whites were killed and eight Indians wounded. The next day the remaining forts, filled chiefly with women and children, capitulated. The long and wailing procession of the survivors, flying from their fields of corn, their gardens, the flames of their cottages, the unburied bodies of their beloved defenders, escaped by a pass through the hills to the eastern settlements. Every fort and dwelling was burned down.

The Senecas spread over the surrounding country, adepts in murder and ruin. The British leader boasted in his report that his party had burned a thousand houses and every mill; Germain in reply extolled their prowess and even their humanity,² and resolved on directing a succession of similar parties, not only to harass the border, but to waste the older settlements. Yet the marauders came to destroy and deal deaths, not to recover and hold; and the ancient affection for England was washed out in blood. When the leader of the inroad turned to desolate other scenes, Pennsylvania was left in the undisputed possession of her soil.

¹ Major John Butler to Lieutenant-colonel Bolton, dated Lacuwanack, 8 July, 1778.

² Lord George Germain to Sir H. Clinton, 4 Nov., 1778.

After the retreat of the British, her government, as well as that of New Jersey, used the right of bringing to trial those of their citizens who had been false to their allegiance; but Livingston, the governor of New Jersey, pardoned every one of seventeen who were found guilty. At Philadelphia, against his intercession, two men, one of whom had conducted a British party to a midnight carnage, were convicted, and suffered on the gallows. Regret prevailed that these also had not been forgiven.

Before the co-operation of the arms of France the Americans had substantially achieved their existence as a nation. The treaties of alliance with them had not yet been signed, when Vergennes wrote "that it was almost physically impossible for the English to wrest independence from them; that all efforts, however great, would be powerless to recall a people so thoroughly determined to refuse submission." On the side of the sea, from Nova Scotia to Florida, the British held no post except the island of Rhode Island and New York city with a small circle around its bay. No hostile foot rested on the mainland of New England. The British were still at Ogdensburg, Niagara, and Detroit; but the Americans held the country from below the Highlands to the water-shed of Ontario. Over the Mississippi and its eastern tributary streams the British flag waved no more.

The Americans had gained vigor in the conflict: the love and the exercise of individual liberty, though they hindered the efficiency of government, made them unconquerable. The British soldier had nothing before him but to be transferred from one of the many provinces of Britain to another, perhaps to the

CHAP. V. West Indies, perhaps to India: he did what he was
1778. bound to do with the skill of a veteran; but he had no ennobling motive, no prospect of a home, and no living patriotism. The American looked beyond danger to the enjoyment of freedom and peace in a family and country of his own. His service in the camp exalted his moral character: he toiled and suffered for the highest ends, and built up a republic not for his own land only, but for the benefit of the human race.

Moreover, the inmost mind of the American people had changed. The consciousness of a national life had dissolved the sentiment of loyalty to the crown of England. More than three years had elapsed since the shedding of blood at Lexington; and these years had done the work of a generation.

In England a similar revolution had taken place. The insurgents, losing the name of rebels, began to be called Americans. Officers, returning from the war, said openly that "no person of judgment conceived the least hope that the colonies could be subjected by force." Some British statesmen thought to retain a political, or at least a commercial, connection; while many were willing to give them up unconditionally. Even before the surrender of Burgoyne, Gibbon, a member of the Board of Trade, confessed that, though England had sent to America the greatest force which any European power ever ventured to transport into that continent, it was not strong enough to attack its enemy, nor to prevent them from receiving assistance. The war "measures" of the administration were, therefore, "so repugnant to sound policy that they ceased to

be right.”¹ After that surrender,² he agreed that, since “the substance of power was lost, the name of independence might be granted to the Americans.” General Howe coupled his retirement from active service with the avowal that the disposable resources of his country could produce no decisive result. “Things go ill, and will not go better,” wrote the chief of the new commission for establishing peace. The successor of General Howe reported himself too weak to attempt the restoration of the king’s authority. Germain had no plan for the coming campaign but to lay the colonies waste. The prime minister, who had been at the head of affairs from 1770, owned in anguish the failure of his system, and deplored its continuance. Should the Americans ratify the French alliance, Lord Amherst, who was the guide of the ministry in the conduct of the war, recommended the evacuation of New York and Rhode Island and the employment of the troops against the French West Indies.

But the radical change of opinion was shown most clearly by the votes of parliament. In February, 1774, the house of commons, in a moment of unrestrained passion, adopted measures for enforcing the traditional absolutism of parliament by majorities of three to one: corresponding majorities in February, 1778, reversed its judgment, repealed the punitive

¹ Edward Gibbon to J. Holroyd, 13 Aug., 1777.

² In 1847 the Archbishop of York, whose memory went back to those days, and who was with Thomas Grenville in Paris in 1782, told me, that after the affair

of Bunker Hill very many persons, after the surrender of Burgoyne almost every one, gave up the expectation that England would be able to enforce the dependence of the colonies.

CHAP. acts, and conceded every thing which the colonies
 V. demanded.

1778. There was "a general cry for peace."¹ The king, in January, 1778, confessed to Lord North: "The time may come when it will be wise to abandon all North America but Canada, Nova Scotia, and the Floridas; but then the generality of the nation must see it first in that light."² Lord Rockingham was convinced himself and desired to "convince the public of the impossibility of going on with the war."³ On the second of February, Fox spoke against its continuance, went over the whole of the American business, and was heard with favor. The ministers said not one word in reply; and on the division several tories voted with him.⁴ English opinion had by this time resigned itself to the belief that the United States could not be reduced; but as a massive fountain, when its waters are first let loose, rises slowly to its full height, so the mind of parliament needed time to collect its energies for official action. If British statesmen are blamed for not suffering her colonies to go free without a war, it must yet be confessed that the war grew by a kind of necessity out of the hundred years' contest with the crown for the bulwark of English freedom.

But now Fox would have England "instantly declare their independence;"⁵ Pownall, who had once defended the Stamp Act, urged their recognition;⁶

¹ Edward Gibbon to J. Holroyd, Mr. Fitzpatrick, in Correspondence of C. J. Fox, i. 168.
 2 Dec., 1777, and 4 Dec., 1777.

² Donne, ii. 118.

³ Chat. Cor., iv. 488. Donne, 1778.
 ii. 123.

⁴ Donne, ii. 123. C. J. Fox to

⁵ Donne, ii. 154, 17 March,

⁶ Almon's Debates, ix. 60.

and Conway broke through his reserve, and said in parliament: "It has been proved to demonstration that there is no other method of having peace with them but acknowledging them to be, what they really are, and what they are determined to remain, independent states." The house of commons seemed secretly to agree with him.¹ Tories began to vote against the ministry.² The secretary of war, Lord Barrington, said to the king: "The general dismay among all ranks and conditions arises from an opinion that the administration is not equal to the times. The opinion is so universal that it prevails even among those who are most dependent on the ministers and most attached to them; nay, it prevails among the ministers themselves."³ Lord North was convinced of the ruinous tendency of his measures, and professed, but only professed, an earnest wish to resign office. Lord Mansfield deplored "the danger of a war with both houses of the Bourbons."⁴ The landed aristocracy were grown weary of the conflict which they had brought on, and of which the continuance promised only increasing taxation and a visible loss of national dignity and importance. So long as there remained a hope of recovering America the ministers were supported, for they alone would undertake its reduction. The desire to replace them by statesmen more worthy of a great people implied the consent to peace on the basis of American independence.⁵ To that end all elements conspired. The

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1778.

¹ Almon's Debates, ix. 69.

² Correspondence of C. J. Fox, i. 168.

³ Lord Barrington's Life, 186.

⁴ Report of Interview of Lord

Mansfield with Escarano, Spanish Ambassador in London, in Escarano to Florida Blanca, 27 March, 1778.

⁵ The reflective opinion of Eng-

CHAP. V. initial velocity of the British attack was exhausted,
 1778. and the remainder of the war was like the last re-
 bounds of a cannon-ball before it comes to rest.

July 2. On the second of July, the president and several members of congress met once more in Philadelphia.

9. On the ninth, the articles of confederation, engrossed on parchment, were signed by eight states. On the
10. tenth, congress issued a circular to the other five, urging them "to conclude the glorious compact which was to unite the strength, wealth, and councils of the whole." North Carolina acceded on the
21. twenty-first; Georgia, on the twenty-fourth. New
24. Jersey demanded for the United States the regulation of trade and the ownership of the ungranted north-western domain: but, after unassisted efforts for a more efficient union, the state, on the twenty-fifth of the following November, accepted the confederacy without amendment; and on the fifth of May, 1779, the delegates of Delaware did the same. Maryland, which was on all sides precisely limited by its charter,—while Massachusetts, Connecticut, New York, Virginia, and at least one of the Carolinas, might claim by royal grant an almost boundless extension to the north and west,—alone arrested the consummation of the confederation by demanding that the public lands north-west of the Ohio should first be recognised as the common property of all the states, and held as a common resource to dis-

land is clearly stated by Earl Russell, for many years British prime minister or minister of foreign affairs: "The events of the years 1777 and 1778 ought to have put an end to the American war; a

simple cessation of arms must have speedily led to a treaty of peace with the new state." Earl Russell, in *Correspondence of C. J. Fox*, i. 201, 202.

charge the debts contracted by congress for the expenses of the war.¹

On the eighth of July the French fleet, consisting of twelve ships of the line and three frigates, after a rough voyage of nearly ninety days from Toulon, anchored in the bay of Delaware; ten days too late to intercept the inferior squadron of Lord Howe and its multitude of transports on their retreat from Philadelphia. Its admiral, the Count d'Estaing, a major-general in the French army, had persuaded Marie Antoinette to propose the expedition. On the eleventh, congress learned from his letters that he was "ready to co-operate with the states in the reduction of the British army and navy." The first invitation to a concert of measures revealed the inability of the American people to fulfil their engagements. For want of an organized government congress could do no more than empower Washington to call upon the six states north of the Delaware for aids of militia, while its financial measure was a popular loan to be raised throughout the country by volunteer collectors.

D'Estaing followed his enemy to the north, and anchored within Sandy Hook, where he intercepted unsuspecting British ships bound for New York. The fleet of Lord Howe was imperfectly manned, but his fame attracted from merchant vessels and transports a full complement of volunteers. The French fleet would nevertheless have gone up the bay and offered battle, could pilots have been found to take its largest ships through the channel.

Since New York could not be reached, d'Estaing,

¹ Gérard to Vergennes, Philadelphia, 12 August, 1778.

CHAP. ignorant of the secret policy of France and Spain,
 V. indulged the dream of capturing the British towns in
 1778. Newfoundland and annexing that island to the American republic as a fourteenth state with representation in congress.¹ Washington proposed to employ the temporary superiority at sea in the capture of Rhode Island and its garrison of six thousand men. He had in advance summoned Massachusetts, Connecticut, and Rhode Island to send quotas of their militia for the expedition. The council of war of Rhode Island, exceeding his requirement, called out one half of the effective force of the state for twenty days from the first of August, and ordered the remainder to be ready at a minute's warning. Out of his own feeble army he spared one brigade from Massachusetts and one from Rhode Island, of one thousand each, and they were followed by a further detachment. Directing Sullivan, who was placed over the district of Rhode Island, to throw the American troops into two divisions, he sent Greene to command the one, and Lafayette the other. Young Laurens served d'Estaing as aid and interpreter. On the twenty-ninth of July, while Clinton was reporting to Germain that he would probably be under the necessity of evacuating New York and retiring to Halifax,² the French fleet, with thirty-five hundred land troops on board, appeared off Newport, and the British saw themselves forced to destroy ten or more armed ships and galleys, carrying two hundred and twelve guns.

¹ Extract of a letter of the Count d'Estaing to Gérard de Rayneval, in Gérard de Rayneval

to the Count de Vergennes, 15 July, 1778.

² Sir H. Clinton to Lord George Germain, 27 July, 1778.

The country was palpitating with joy at the alliance with France. Congress on Sunday the sixth of August, with studied ceremony, gave its audience of reception to Gérard de Rayneval, the French plenipotentiary, listened to his assurances of the affection of his king for the United States and for "each one" of them, and "acknowledged the hand of a gracious Providence in raising them up so powerful a friend." At head-quarters there seemed to be a hundred chances to one in favor of capturing the garrison on Rhode Island, and thus ending British pretensions to sovereignty over America. Robert Livingston expressed the hope that congress, in treating for peace, would insist on having Canada, Hudson's Bay, the Floridas, and all the continent independent.

CHAP.
V.
1778.
Aug.
6.

On the eighth the French fleet, which a whim of Sullivan had detained for ten days in the offing, ran past the British batteries into the harbor of Newport. The landing had been concerted for the tenth; but, learning that the British outpost on the north of the island had been withdrawn, Sullivan, on the morning of the ninth, without notice to d'Estaing, crossed with his troops from the side of Tiverton. Scarcely had he done so, when the squadron of Lord Howe, which had been re-enforced from England, was seen to anchor near Point Judith. On the tenth a strong wind rising from the north-east, d'Estaing by the advice of his officers, among whom were Suffren and de Grasse, sailed past the Newport batteries, and in order of battle bore down upon the British squadron. Lord Howe stood to the southward, inviting pursuit. For two days d'Estaing was baffled in the attempt to

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CHAP. V. force an action, while the wind increased to a hurricane and wrecked and scattered both fleets. The
 1778. French ship Languedoc lost its rudder and masts;
 Aug. the Apollo, to which the British admiral had shifted his flag, could not keep at sea.

The same storm flooded Rhode Island with rain, damaged the ammunition of the American army, overturned their tents, and left them no shelter except trees and fences. Many horses were killed, and even soldiers perished. The British troops, being quartered in the town, suffered less; and, on the return of fair weather, Pigot, but for his inertness, might have fallen upon a defenceless enemy.

20. The squadron of Lord Howe steered for Sandy Hook. D'Estaing, three of whose ships had severally encountered three English ships, appeared on the twentieth within sight of Newport; but only to announce that, from the shattered condition of his fleet, and from want of water and provisions, after nearly five months' service at sea, he was compelled by his instructions to sail for Boston. In general orders Sullivan censured d'Estaing, and insinuated the inutility of the French alliance; and then, under compulsion from Lafayette, in other general orders made reparation. He should have instantly withdrawn from the island; and Washington sent him incessant messages to do so. On Honyman's hill he was wasting strength in raising batteries which were too remote to be of use, and could be easily turned; more than half his army was composed of militia, who saw that the expedition had failed, and began to go home. There remained in the American camp less than six thousand men; and a retreat had now to be

conducted in the presence of regular troops, superior in numbers. It began in the night of the twenty-eighth. The next day the British attempted to get round the American right wing, and thus cut off every chance of escape. On that side Greene, almost within sight of his native town, held the command. Supported by young Laurens, he changed the defence into an attack, and drove the enemy in disorder back to their strong post on Quaker hill. In the engagement the British lost at least two hundred and sixty men; the Americans, forty-nine less. On the night following the thirtieth, the army of Sullivan, evading its sluggish pursuers, withdrew from the island. Clinton, with a re-enforcement of four thousand men, landed the day after the escape.

CHAP.
V.1778.
Aug.
29.

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31.

Sept.

The British general returned to New York, having accomplished nothing, except that a detachment under Grey set fire to the shipping in New Bedford, and then levied cattle and money on the freeholders of Martha's Vineyard. Lord Howe gave up the naval command to Admiral Byron, and was never again employed in America.

The people of New England had in twenty days raised the force of Sullivan to ten thousand effective men; the total disappointment of their hope of brilliant success excited criminations and distrust. At Boston a French officer lost his life in attempting to quell a riot between his countrymen and American seamen; but d'Estaing preserved unruffled politeness, and really wished well to the United States.

Notwithstanding the failure of the first expedition from France, every measure adopted by the British government or its army to reduce the United States

CHAP. served only to promote its independence. In 1775
 V. they sought to annihilate the rebellion by attacking
 1778. it at its source; and before many months they were
 Sept. driven out of Boston. In 1776 the acquisition of
 New York was to prelude the one last campaign for
 crushing all resistance; in 1777 Philadelphia was
 taken, but only to be evacuated in 1778. To a friend
 in Virginia Washington wrote in August, as he came
 again upon White Plains: "After two years' ma-
 nœuvring and the strangest vicissitudes, both armies
 are brought back to the very point they set out from,
 and the offending party at the beginning is now
 reduced to the use of the spade and pickaxe for
 defence. The hand of Providence has been so con-
 spicuous in all this, that he must be worse than an
 infidel that lacks faith, and more than wicked that
 has not gratitude enough to acknowledge his obliga-
 tions." "The veil of ordinary events," thus the
 Governor of Connecticut expressed the belief of the
 state, "covers the hand of the supreme Disposer of
 them, so that men overlook his guidance. In the
 view of the series of marvellous occurrences during
 the present war, he must be blind and infatuated who
 doth not see and acknowledge the divine ordering
 thereof." The faith of the American people in the
 moral government of the world sprang not from
 irrational traditions, or unreflecting superstition, but
 from the deep sentiment of harmony between their
 own active patriotism and the infinite love which
 founded all things and the infinite justice which car-
 ries all things forward in continuous progression.
 The consciousness of this harmony, far from lulling
 them into an indolent expectation of supernatural

intervention, bound them to self-relying diligence in the duty that was before them. They had the confidence and joy of fellow-workers with "the divine ordering" for the highest welfare of mankind.

CHAP.
V.
1778.

On the third of October the commissioners for restoring peace to the colonies addressed a farewell manifesto to the members of congress, the several assemblies, and other inhabitants of America, that their persistence in separating from Great Britain would "change the whole nature and future conduct of this war;" that "the extremes of war" should so distress the people and desolate the country, as to make them of little avail to France. Congress published the paper in the gazettes to convince the people of the insidious designs of the commissioners. In the British house of commons, Coke of Norfolk proposed an address to the king to disavow the declaration. Lord George Germain defended it, insisting that the Americans by their alliance were become French, and should in future be treated as Frenchmen. Burke pointed out that the "dreadful menace was pronounced against those who, conscious of rectitude, stood up to fight for freedom and country." "No quarter," said the commissioner Johnstone, who in changing sides on the American question had not tamed the fury of his manner, "no quarter ought to be shown to their congress; and, if the infernals could be let loose against them, I should approve of the measure. The proclamation certainly does mean a war of desolation: it can mean nothing else." Gibbon divided silently with the friends of America, who had with them the judgment, though not the vote, of the house. Three days later Rockingham

Oct.
3.

CHAP. denounced the "accursed" manifesto in the house of
 V. lords, saying that "since the coming of Christ war
 1778. had not been conducted on such inhuman ideas."

Lord Suffolk, in reply, appealed to the bench of bishops; on which the Bishop of Peterborough traced the resemblance between the proclamation and the acts of Butler at Wyoming. He added: "There is an article in the extraordinaries of the army for scalping-knives. Great Britain defeats any hope in the justness of her cause by means like these to support it." The debate closed well for America, except that Lord Shelburne was provoked into saying that he never would serve with any man who would consent to its independence, when in truth independence was become the only way to peace.

The menaces of the proclamation were a confession of weakness. The British army under Clinton could hold no part of the country, and only ravage and destroy by sudden expeditions. Towards the end of
 Sept. September Cornwallis led a foray into New Jersey; and Major-General Grey with a party of infantry, surprising Baylor's light horse, used the bayonet mercilessly against men that sued for quarter. A
 Oct. band led by Captain Patrick Ferguson in October, after destroying the shipping in Little Egg harbor, spread through the neighboring country to burn the houses and waste the lands of the patriots. On the night of the fifteenth they surprised light infantry under Pulaski's command; and, cumbering themselves with no prisoners, killed all they could. In
 Nov. November a large party of Indians with bands of Tories and regulars entered Cherry valley by an unguarded pass, and, finding the fort too strong to be

taken, murdered and scalped more than thirty of the inhabitants, most of them women and children. The story of these massacres was repeated from village to village, and strengthened the purpose of resistance.

CHAP.
V.
1778.
Nov.

With the year 1778, South Carolina, which for two years had been unvisited by an enemy, after long deliberation established a permanent form of government. Immediately after the general declaration of independence, its citizens, by common consent, intrusted constituent powers to their representatives. In January, 1777, a bill for the new constitution was introduced. Hitherto the legislative council had been chosen by the general assembly. A bold effort was made, in like manner, to confer the election of the senate on the assembly, because in that way Charleston, through its numerous representation, would have controlled the choice. On this point the country members would not yield; but the distribution of the representation in the general assembly was left unchanged. The bill was then printed and submitted for examination to the people during more than a year. Sure of the prevailing approval, the legislature, in March, 1778, gave it their final sanction; and it was then presented to the president for his confirmation. Every one expected that in a few hours it would be proclaimed, when Rutledge called the council and assembly into the council chamber, and, after a formal speech, gave it a negative, not only for the change which it would effect in the manner of choosing one branch of the legislature, but also because it took from the chief of the executive his veto power. The majority, soon recovering from their consternation, determined to vote no taxes until

CHAP. the veto should be reversed. After a three days'
 V. adjournment, which was required by the rules before
 1778. a rejected bill could be again brought forward, Raw-
 lins Lowndes, the newly elected president, gave his
 sanction to the re-enacted bill.¹

The new constitution might be altered by legislative authority after a notice of ninety days. None but freeholders could elect or be elected to office; and for the higher offices the possession of a large freehold was required. In any redistribution of the representation of the state, the number of white inhabitants and the amount of taxable property were to be considered. The veto power was taken from the president. Till this time the church of England had been the established church in South Carolina. The toleration of Locke and Shaftesbury was now mixed with the religious faith of its people. Not the Anglican or Episcopal church, but the Christian Protestant church, was declared to be the established religion of the state; and none but Protestants were eligible to high executive or any legislative office. The right of suffrage was conferred exclusively on every free white man who, having the requisite age and freehold, acknowledged God and a future state of rewards and punishments. All persons who so believed, and that God is publicly to be worshipped, might form religious societies. The support of religious worship was voluntary; the property then belonging to societies of the church of England, or any other religious societies, was secured to them in perpetuity.

¹ Richard Hutson to George Bryan, from Charleston, S. C., 14 March, 1778. John Rutledge to Henry Laurens, 16 Feb., 1778, and 8 March, 1778. In F. Moore's *Materials for History*, 94, 103-106. Ramsay's *History of South Carolina*, i. 129-138.

The people were to enjoy forever the right of elect-
 ing their own pastors or clergy; but the state was
 entitled to security for the due discharge of the pas-
 toral office by the persons so elected. Of slaves or
 slavery no mention was made unless by implication.

The constitution having been adopted on the nine-
 teenth of March, 1778, to go into effect on the fol-
 lowing twenty-ninth of November, all resident free
 male persons in the state above sixteen years, refusing
 to take the oath to maintain it against the king of
 Great Britain and all other enemies, were exiled; but
 a period of twelve months after their departure was
 allowed them to dispose of their property. In Octo-
 ber, 1778, after the intention of the British to reduce
 South Carolina became known, death was made the
 penalty for refusing to depart from the state, or for
 returning without permission.¹

The planters of South Carolina still partook of their
 usual pastimes and cares; while the British ministry,
 resigning the hope of reducing the north, indulged
 the expectation of conquering all the states to the
 south of the Susquehanna.² For this end the British
 commander-in-chief at New York was ordered to de-
 spatch before October, if possible, a thousand men to
 re-enforce Pensacola, and three thousand to take Sa-
 vannah. Two thousand more were destined as a
 re-enforcement to St. Augustine. Thus strengthened,
 General Prevost would be able to march in triumph
 from East Florida across lower Georgia.

The new policy was inaugurated by dissensions
 between the minister for America in England and

¹ Statutes of South Carolina, i. 150; iv. 452.

² Germain to Clinton, 8 March, 1778.

CHAP. V. the highest British officials in America, and was fol-
 1778. lowed by never-ending complaints. Lord Carlisle
 and his associate commissioners deprecated the seem-
 ing purpose of enfeebling the establishment at New
 York by detachments for different and distant ser-
 vices. "Under these appearances of weakness," so
 they reported, "our cause has visibly declined."¹
 Sir Henry Clinton threatened to evacuate New York
 and to retire to Halifax,² remonstrated against being
 "reduced to a starved defensive,"³ and complained
 of being kept in command, "a mournful witness of
 the debility" of his army; were he only unshackled
 with instructions, he might render serious service.⁴
 Every detachment for the southern campaign was
 made with sullen reluctance; and his indirect crim-
 inations offended the unforgiving minister.

¹ Lord Carlisle and other com-
 missioners to Germain, New York,
 5 Sept., 1778.

³ Clinton to Haldimand, 9 Sept.,
 1778.

² Clinton to Germain, 27 July,
 1778.

⁴ Clinton to Germain, 8 Oct.,
 1778.

CHAPTER VI.

SPAIN AND THE UNITED STATES.

1778.

EARLY in the year, Juan de Miralez, a Spanish emissary, appeared in Philadelphia. Not accredited to congress, for Spain would not recognise that body,¹ he looked upon the rising republic as a natural enemy to his country; and through the influence of the French minister, with whom he had as yet no authorized connection, he sought to raise up obstacles on all sides to its development.² He came as a spy and an intriguer; nevertheless congress, with unsuspecting confidence, welcomed him as the representative of an intended ally.

Of all the European powers, Spain was the most consistently and perseveringly hostile to the United States. With a true instinct she saw in their success the quickening example which was to break down the barriers of her own colonial system; and her

¹ Luzerne to Vergennes, 17 Dec., 1779. ² Gérard to Vergennes, 16 and 29 July, 1778.

CHAP. VI. dread of their coming influence shaped her policy during their struggle. She was willing to encourage them so far as to exhaust the resources of Great Britain by one campaign more ; but she was bent on restraining France from an alliance with them, till she should herself have wrung from their agents at Paris all the concessions which she deemed essential to the security of her transatlantic dominions, and from France all other advantages that she could derive from the war. She excused her importunities for delay by the necessity of providing for the defence of her colonies; the danger that would hang over her homeward-bound troops and commerce; the contingency of renewed schemes of conquest on the part of the Russians against the Ottoman empire; the succession of Bavaria; the propriety of coming to a previous understanding with the Netherlands, which was harried by England, and with the king of Prussia, who was known to favor the Americans.¹

Count Montmorin, the successor of d'Ossun as French ambassador at Madrid, had in his childhood been a playmate of the king of France, whose friendship he retained, so that his position was one of independence and dignity. As a man of honor, he desired to deal fairly with the United States, and he observed with impartiality the politics of the Spanish court. On receiving a communication of the despatch, which embodied the separate determination of France to support the United States, Florida Blanca quivered

¹ Count Florida Blanca to Count de Aranda, 13 Jan., 1778. Communicated with other documents from the Spanish archives by Don Pascual de Gayangos.

in every limb and could hardly utter a reply.¹ Suspiciousness marked his character, as well as that of the government of Spain, which, for its remote dominions, was ever haunted by the spectres of contraband trade and of territorial encroachments. He was appalled at the example of the Americans as insurgents, at their ambition as republicans, and at the colossal greatness which their independence foretold; he abhorred any connection with them as equals, and would tolerate at most an alliance of protection and superintendence. With these apprehensions he combined a subtle jealousy of the good faith of the French, who, as a colonial power, were reduced to the lowest rank among the nations of western Europe, and who could recover their share in the commerce of the world only through the ruin of colonial monopoly.

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1778.

When, therefore, in April, the French ambassador pressed Florida Blanca to declare at what epoch Spain would take part in the war, the minister, beside himself with passion, exclaimed: "I will take the opinion of the king. Since April of last year, France has gone counter to our advice. The king of Spain seems to be looked upon as a viceroy or provincial governor, to whom you put questions as if for his opinion, and to whom you then send orders. The American deputies are treated like the Roman consuls, to whom the kings of the East came to beg support. The declaration of your treaty with them is worthy of Don Quixote."² He persisted in the reproach, that France had engaged in a war which

April.

¹ Count de Montmorin to Count de Vergennes, 28 Jan., 1778.

² Montmorin to Vergennes, 10 April, 1778.

CHAP. had neither an object for its beginning, nor a plan
VI. for its close.

1778. Baffled in her policy by France, Spain next thought to use Great Britain as her instrument for repressing the growth of the United States. Her first wish was to prevent their self-existence, and, as mediator, to dictate the terms of their accommodation with their mother country; but, as this was no longer possible after the intervention of France, she hoped at the peace to concert with England how to narrow their domain, and secure the most chances for an early dissolution of their inchoate union.

No sooner had Louis the Sixteenth and his council resolved to brave England, than the system which had led to the family compact of the Bourbons recovered its normal influence; for it was through the Spanish alliance that they hoped to bring the conflict to a brilliant issue. Swayed by the advice of d'Ossun, they made it their paramount object to reconcile the Spanish government to their measures. In this way doubt arrested their action at the moment of beginning hostilities. If it was to be waged by France alone, they held it prudent to risk everything and make haste to gain advantages in a first campaign, before the English could bring out all their strength; but, if Spain was determined not to stand aloof, they would put the least possible at hazard till it should declare itself.¹ Moreover, this persistent deference to the younger branch of the Bourbons brought with it obstinate contrarieties, both as to the place of the United States in the conduct of the war, and still more so in settling the ultimate conditions of peace.

¹ Vergennes to Montmorin, 3 April, 1778. MS.

In the conflict between fears and desires, the king of Spain was spell-bound by indecision. The precipitate alliance of France and America without his consent wounded his pride and endangered his possessions. His confessor held it a want of probity and an evil example to fight for heretics in revolt against lawful authority. On the other hand his need of protection, his respect for the elder branch of his family, and some remnants of rancor against England, concurred to bind him to the compact between the two crowns. Moreover, Florida Blanca, who from the drudgery of a provincial attorney had risen to be the chief minister of a world-wide empire, had a passion to be spoken of in his time, and to gain a place in history: he, therefore, kept open the negotiations with France, designing to consent to a junction only after stipulations for extraordinary and most unequal advantages. For the recovery of Gibraltar he did not rely exclusively on a siege,¹ yet before the end of March he had collected battering cannon at Seville, and held at anchor in the bay of Cadiz a greater fleet than Spain had launched since the days of the armada.

Avoiding an immediate choice between peace and war, Florida Blanca disdained the proposal of an alliance with the United States, and he demanded the postponement of active hostilities in European waters, that he might gain free scope for offering mediation. The establishments of Britain in all parts of the world were weakly garrisoned; its homeward-bound commerce was inadequately protected; its navy was unprepared. The ships of the French, on the contrary, were ready for immediate action; yet they

¹ Montmorin to Vergennes, 31 Aug., 1778.

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 1778. consented to wait indefinitely for the co-operation of Spain. After being swept into war for the independence of America, they subjected the conduct of that war to the power in Europe which was the most inveterate enemy to that independence. Their favorable chances at the beginning of the war were thrown away; their channel fleet lay idle in the harbor of Brest; British ships, laden with rich cargoes from all parts of the world, returned home unmolested; and the dilatory British admiralty gained unexpected time for preparation.

June 17. All this while British armed vessels preyed upon the commerce of France. To ascertain the strength of the fleet at Brest, a British fleet of twenty ships of the line put to sea under Admiral Keppel, so well known to posterity by the pencil of Reynolds and the prose of Burke. On the seventeenth of June, meeting two French frigates near the island of Ouessant, Keppel gave orders that they should bring to. They refused. One of them, being fired into, discharged its broadside and then lowered its flag; the other, the "Belle Poule," repelled the pursuit of the "Arethusa," and escaped.

July 27. The French government, no longer able to remain inactive, authorized the capture of British merchantmen; and early in July its great fleet sailed out of Brest. After returning to Portsmouth, Keppel put to sea once more. On the twenty-seventh, the two admirals, each having thirty men-of-war in three divisions, and each professing the determination to fight a decisive battle, met off Ouessant. D'Orvilliers was better fitted for a monastery than the quarter-deck; and the British admiral wanted ability for so

great a command. After an insignificant action, in which neither party lost a ship, the French returned to Brest, the British to Portsmouth. The French admiral ascribed his failure to the disobedience of the young Duke de Chartres, who had absurdly been placed over one of his divisions; Keppel, but only upon an after-thought, censured both Palliser, his second in command, and the admiralty; and he declined employment unless the ministry should be changed. That he was not punished for mutiny, but that he, Burgoyne, and Howe, all three members of the house of commons, were suffered to screen their own incapacity by fighting vigorous battles in parliament against the administration, shows how faction had corrupted discipline in the service. Meantime the French people were justly proud that, so soon after the total ruin of their navy in the seven years' war, their fleet equalled that of their great rival, and had won the admiration even of its enemies by its skilful evolutions.

The deeds of the French army for the year consisted in seeming to menace England with an invasion, by forming a camp in Normandy under the Count de Broglie, and wasting the season in cabals, indiscipline, and ruinous luxury. In India, Chandernagor on the Hoogley surrendered to the English without a blow; the governor of Pondicherry, with a feeble garrison and weak defences, maintained a siege of seventy days in the vain hope of relief. The flag of the Bourbons was suffered to disappear from the gulf and sea of Bengal, and from the coast of Malabar. To meet the extraordinary expenses of this frivolous campaign, the kingdom was brought nearer to bank-

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CHAP. VI. ruptcy by straining the public credit without corresponding taxation.

1778. The diplomacy of Spain during the year proved still less effective. Florida Blanca began with the British minister at Madrid, by affecting ignorance of the measures of the French cabinet, and assuring him "that his Catholic Majesty neither condemned nor justified the steps taken by France; but that, as they had been entered upon without the least concert with him, he thought himself perfectly free from all engagements concerning them."¹ After these assertions, which were made so directly and so solemnly that they were believed, he explained that the independence of the United States would overturn the balance of power on the continent of America; and he proposed, through the mediation of his court,² to obtain a cessation of hostilities in order to establish and perpetuate an equilibrium. The offer of mediation was an offer of the influence of the Bourbon family to secure to England the basin of the St. Lawrence, with the territory north-west of the Ohio, and to bound the United States by the Alleghanies. But Lord Weymouth held it ignoble to purchase from the wreckers of British colonial power the part that they might be willing to restore; and he answered, "that while France supported the colonies in rebellion no negotiation could be entered into."³ But, as both Great Britain and Spain were interested in preserving colonial dependency, he invited a closer union between them, and even proposed an alliance.

¹ Grantham to Weymouth, 19 Feb., 1778. ² Ibid., 24 Mar., 1778. ³ Weymouth to Grantham, 20 May, 1778.

² Ibid., 19 April, 1778.

At this point in the negotiation, Florida Blanca, who was devoured by the ambition of making the world ring with his name, turned to Vergennes; yet, like his king, fearing lest at the peace France might take good care of itself and neglect the interests of Spain,¹ he was determined, before concluding an irrevocable engagement, to ascertain the objects which its ally would expect to gain. Spain was really unprepared for war; her ships were poorly armed; her arsenals ill supplied; and few of her naval officers entitled to confidence in their skill: yet he threw out hints that he would in October be ready for action, if France would undertake a descent into England.²

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Vergennes, while now more sure than ever of the co-operation of Spain, replied: "The idea of making a war on England, like that of the Romans on the Carthaginians, does honor to the minister's elevation of soul; but the attempt would require at least seventy ships of the line, and at least seventy thousand effective troops, of which ten thousand should be cavalry, beside transport ships and proportionate artillery, provisions, and ammunition."³

To the British proposal of an alliance, Florida Blanca returned a still more formal offer of mediation between the two belligerents; excusing his wish to take part in the settlement of England with its insurgent colonies by his desire that their ambition should be checked and tied down to fixed limits through the union of the three nations. Then, under

¹ Private letter of Montmorin to Vergennes, 1 Sept., 1778.

² Montmorin to Vergennes, 7 Sept., 1778.

³ Vergennes to Montmorin, 21 Sept., 1778.


CHAP. VI. pretence of seeking guidance in framing the plan
 of pacification, he craftily invited the two courts
 1778. to remit to his king the points on which they intended to insist; at the same time he avowed to the British minister that the king of Spain would be forced to choose his part, if the war should be continued.¹

Indifferent to threats, Weymouth in October gave warning of the fatal consequence to the Spanish monarchy of American independence; and from a well-considered policy refused in any event to concert with other governments the relations of his country to its colonies.² Meantime Florida Blanca continued to fill the courts of Europe with declarations that Spain would never precede England in recognising the separate existence of her colonies.

During this confused state of the relations between the three great powers, the United States fell upon a wise measure. Franklin, from the first, had advised his country against wooing Spain: but the confidence reposed in him by the French cabinet was not impaired by his caution; and they transacted all American business with him alone. Tired of the dissensions of rival commissioners, congress, on the fourteenth of September, abolished the joint commission of which he had been a member, and appointed him their minister plenipotentiary at the court of France. It illustrates the patriotism of John Adams, that, though he was one of those to be removed from office, he approved alike the terminating of the commission

¹ Paper delivered to Lord Grantham by M. de Florida Blanca, and transmitted in Lord Grantham's No. 56, 28 Sept., 1778.

² Weymouth to Grantham, 27 Oct., 1778.

and the selection of Franklin as sole envoy. In him CHAP.
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the interests of the United States obtained a serene 
and wakeful guardian, who penetrated the wiles of 1778.
the Spanish government, and knew how to unite
fidelity to the French alliance with timely vindication
of the rights of his own native land.

CHAPTER VII.

A PEOPLE WITHOUT A GOVERNMENT.

AUGUST-DECEMBER, 1778.

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EARLY in the year George the Third had been advised by Lord Amherst to withdraw the troops from Philadelphia, and, in the event of the junction of America with France, to evacuate New York and Rhode Island;¹ but the depreciation of the currency, consequent on the helplessness of a people that had no government, revived the hope of subjugating them. The United States closed the campaign of 1778 before autumn, for want of money. Paper bills, emitted by congress on its pledge of the faith of each separate state, supported the war in its earliest period. Their decline was hastened by the disasters that befell the American armies. Their value was further impaired by the ignoble stratagem of the British ministers, under whose authority Lord Dunmore and others introduced into the circulation of Virginia and other states a large number of bills,

¹ George III. to Lord North, 17 March, 1778. Letter 467.

counterfeited for the purpose in England.¹ In October, 1776, congress, which possessed no independent resources and no powers on which credit could be founded, opened loan offices in the several states, and authorized a lottery. In December it issued five million dollars more in continental bills. In January, 1777, when they had sunk to one-half of their pretended value, it denounced every person who would not receive them at par as a public enemy, liable to forfeit whatever he offered for sale; and it requested the state legislatures to declare them a lawful tender. This Massachusetts had enacted a month before; and the example was followed throughout the union.

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1776.

1777.

The states were at the same time invited to cancel their respective quotas of continental bills, and to become creditors of the common treasury for such farther sums as they should think proper to advance. They had irredeemable paper currencies of their own; and, as they were possessed of real powers of government, their bills were less insecure than the continental currency. Congress, therefore, needed the exclusive right of issuing paper money; and to that end it recommended them to call in their bills, and to issue no more. The request was often renewed, but never heeded: so that the notes of each one of the thirteen states continued to compete for circulation with those of the continent.

¹ Le Lord Dunmore a trouvé moyen d'introduire dans la Virginie un grand nombre de billets, que le gouvernement a fait imprimer, sur ceux que le congrès a fait distribuer. Comme ce stratagème doit mettre beaucoup de confusion dans les arrangements de finance des colonies, il se flatte

qu'il occasionnera une méfiance du peuple, qui, ne pouvant discerner les vrais billets de faux, refusera de les recevoir, et le congrès manquant une fois de crédit public, trouverait beaucoup de difficultés à le rétablir. Maltzan au roi, 2 Avril, 1776.

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1777.

While nature executed its unbending law, congress sought to hide the decline of its credit by clamor against the rise of prices, which, in February, 1777, it proposed to remedy by conventions of the northern, of the middle, and of the three southernmost states. That for New England met in the summer at Hartford; but, while the development of the institutions of the country was promoted by showing how readily the people of a group of states could come together by their delegates for a purpose of reform, prices rose and continental bills went down with accelerated speed.

The loan offices exchanged paper money at its par value for United States certificates of debt, bearing interest at six per cent. About a fortnight before Howe took possession of Philadelphia, congress, on a hint from Arthur Lee, resolved to pay the annual interest on the certificates of debt by drawing bills of exchange on their commissioners in Paris for coin. How these bills were to be met at maturity was not clear: they were of a very long date, and, before any of them became due, a dollar in coin was worth six in paper; so that the annual interest payable at Paris on a loan certificate became equal to about thirty-six per cent.

Nov.
22.

The anxious deliberations of the committee of congress during more than two months at Yorktown produced only a recommendation, adopted in November, 1777, that the several states should become creditors of the United States by raising for the continental treasury five millions of dollars, in four quarterly instalments; the first payment to be made on the coming New-Year's day, and the whole to bear six

per cent interest until the final adjustment of accounts, after the confederation should have been ratified. Of thousands of dollars, Massachusetts was rated at eight hundred and twenty; Virginia at eight hundred; Pennsylvania at six hundred and twenty; Connecticut at six hundred; New York, rent and ravaged by the war, at two hundred; Delaware and Georgia, each at sixty. A general wish prevailed to respect the recommendation; but most of the states retained their quotas to reimburse themselves for advances; and, besides, they were all weighed down by very heavy expenses and obligations of their own.

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1777.

Shadowy hopes of foreign loans rose before congress. In December, 1777, in advance of treaties of commerce and alliance, the American commissioners in France and Spain were instructed to borrow two million pounds sterling, to be repaid in ten years; and in February, 1778, the commissioner for Tuscany was charged to borrow half as much more. Yet the grand duke of Tuscany would have no relations with the United States; and no power was so ill disposed towards them as Spain.

1778.
Feb.

To the American people congress wrote in May: "The reasons that your money hath depreciated are, because no taxes have been imposed to carry on the war;" but they did not as yet venture to ask power to levy taxes. On obtaining the king of France for their ally, they authorized drafts on their commissioners in Paris for thirty-one and a half millions of livres, at five livres to the dollar, in payment of loan-office certificates, leaving Franklin and his colleagues to meet the bills of exchange as they could. Of continental bills, five millions of dollars were issued in

May.

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1778.

May, as many more in June, and as many more in July. In August congress devoted two days in the week to the consideration of its finances, but with no better result than to order five millions of dollars in paper in the first week of September, and ten millions more in the last. Certificates of the loan offices were also used in great amounts in payment of debts to the separate states, especially to Pennsylvania.

The legalized use of paper money spread its never-failing blight. Trade became a game of hazard. Unscrupulous debtors discharged contracts of long standing in bills, worth perhaps but a twentieth of their nominal value. The unwary ran in debt, while cunning creditors waited for payment till the continental bills should cease to be a legal tender.

Oct.
6.

The name of Richard Price was dear to every lover of political freedom. He derived his theory of morals from eternal and immutable principles, and his essay on "liberty," which was read in Great Britain, America, and through a translation in Germany, founded the rights of man on the reality of truth and justice. He had devised a scheme for the payment of the British debt. Congress, on the sixth of October, invited him to become their fellow-citizen, and to regulate their finances. The invitation was declined by their illustrious friend; but he gave the assurance, that he "looked upon the United States as now the hope, and soon to become the refuge, of mankind."

From this time, congress saw no resource but in such "very considerable loans or subsidies in Europe" as could be expected only from an ally; and, before the end of October, they instructed Franklin "to assure his most Christian majesty, they hoped pro-

tection from his power and magnanimity." There were those in congress who would not place their country under "protection;" but the word was retained by eight states against Rhode Island and Maryland. Samuel Adams and Lovell, of Massachusetts, voted for it, but were balanced by Gerry and Holten; Sherman, of Connecticut, opposed it, but his vote was neutralized by that of Ellsworth. The people of the United States, in proportion to their numbers, were more opulent than the people of France; but they had no means of organizing their resources. The pride that would not consent to an efficient union, was willing to ask protection from Louis the Sixteenth.

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1778.

Oct.

The country was also looking to the United Provinces for aid; and in December Laurens retired from the office of president of congress, in the expectation of being appointed to negotiate a loan in the Netherlands. Till money could be borrowed, paper was the only resource; and the wants of November and December required an emission of rather more than twenty millions. The debt of the United States, in currency and in certificates, was estimated at one hundred and forty millions. The continental bills already exceeded one hundred and six millions of dollars, and had fallen in value to twenty for one in silver; yet congress maintained "the certainty of their redemption," and resolved — Samuel Adams and six others dissenting — "that any contrary report was false, and derogatory to its honor." To make good the promise, the states were invited to withdraw six millions of paper dollars annually for eighteen years, beginning with the year 1780. The measure was

Dec.

CHAP. carried by Pennsylvania and the states north of it,
VII. against the southern states; but other opinions ruled
1778. before the arrival of the year in which the absorption
of the currency was to begin.

The expenses of the year 1778, so far as they were defrayed by congress, amounted to sixty-two and a sixth millions in paper money, beside more than eighty-four thousand dollars in specie. Towards the expenses of the coming year, nothing further was done than to invite the states to contribute fifteen millions in paper, equal in specie to seven hundred thousand dollars; but as the payments depended on the good-will of each separate state, very little of this moderate assessment reached the national treasury, and there was no resource but in new emissions of notes and loan certificates.

Private reports from American refugees, seeking the favor of the king of England, persuaded Germain that the cause of the United States would share the wreck of their finances: but he knew not how to conciliate provinces that were weary of war, nor to measure the tenacity of the passive resistance of a determined people; and systematically sought by sanguinary measures to punish and subdue. The refugees, emboldened by the powerlessness of congress, and embittered by its advice to the several states to confiscate their property, thronged the antechamber of the minister and fired his vengeful passions by their own. In New York there sprung up a double set of counsellors. Clinton repressed the confidence of the secretary of state by faithful reports of the inadequacy of his forces: on the other hand, William Franklin, late governor of New Jersey,

aiming at the power and emoluments to be derived from an appointment as the head of a separate organization of loyalists, proposed as no difficult task to reduce and retain one of the middle provinces, by hanging or exiling all its rebels, and confiscating their estates to the benefit of the friends to government. Wiser partisans of Great Britain repro-
 CHAP. VII. 1778.
 bated "the desire of continuing the war for the sake of war," and foretold that, should "the mode of devastation be adopted, the friends of government must bid adieu to all hopes of ever again living in America."

While it was no longer possible for the Americans to keep up their army by enlistments, the British gained numerous recruits from immigrants. In Philadelphia Howe had formed a regiment of Roman Catholics. With still better success Clinton courted the Irish. They had fled from the prosecutions of inexorable landlords to a country which offered them freeholds. By flattering their nationality and their sense of the importance attached to their numbers, Clinton allured them to a combination directly averse to their own interests, and raised for Lord Rawdon a large regiment in which officers and men were exclusively Irish. Among them were nearly five hundred deserters from the American army.

Yet the British general lagged far behind the requirements of Germain, who counted upon ten thousand provincial levies, and wished "that the war should be carried on in a manner better calculated to make the people feel their distresses." The king believed in the "hourly declension of the rebellion," and that "the colonies must soon sue to the mother

CHAP. country for pardon." But Clinton well understood
 VII. the power of the insurgents and the insufficiency of
 1778. his own resources; and, obeying peremptory instructions, before the end of the year he most reluctantly detached three thousand men for the conquest of Georgia, and ten regiments for service in the West Indies. His supplies of meat and bread, for which he depended on Europe, were precarious. His military chest was empty; and the inhabitants of New York, mindful of the hour when the city would be given up, were unwilling to lend him their specie.
 Dec. "I do not complain," so he wrote in December to the secretary of state; "but, my lord, do not let any thing be expected of one circumstanced as I am."

The people of America, notwithstanding their want of efficient government, set no narrow bounds to their aspirations. From Boston d'Estaing, in the name of his king, had summoned the Canadians to throw off British rule; Lafayette, in December, exhorted "his children, the savages of Canada," to look upon the English as their enemies. Thus encouraged, congress, without consulting a single military man, formed a plan for the "emancipation of Canada," in co-operation with an army from France. One American detachment from Pittsburgh was to capture Detroit; another from Wyoming, Niagara; a third from the Mohawk river to seize Oswego; a fourth from New England, by way of the St. Francis, to enter Montreal; a fifth, to guard the approaches from Quebec: while to France was assigned the office of reducing Quebec and Halifax. Lafayette would willingly have used his influence at Versailles in favor of the enterprise: but Washington showed how far the

part reserved for the United States went beyond their resources; and, in deference to his advice, the speculative scheme was laid aside.

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The spirit of independence none the less grew in strength. Almost all parts of the country were free from the ravages of war; and the inhabitants had been left to plough and plant, to sow and reap, their fields without fear. On the plantations of Virginia labor was undisturbed, and its abundant products were heaped up for exportation along the banks of her navigable waters. In all New England, seed-time and harvest did not fail; and the unmolested ports of Massachusetts grew opulent by commerce. Samuel Adams, uttering the popular sentiment, wrote from Philadelphia: "I hope we shall secure to the United States Canada, Nova Scotia, Florida too, and the fishery, by our arms or by treaty. We shall never be on a solid footing, till Great Britain cedes to us, or we wrest from her, what nature designs we should have."

For want of a government this boundless hope of a young and resolute people could have no adequate support in organized forces. The army, of which the headquarters were at Middlebrook, was encamped for the winter so as to form a line of observation and defence from the Connecticut shore of Long Island Sound, by way of West Point, to the Delaware. For the convenience of forage the four regiments of cavalry were distributed among the states from Connecticut to Virginia. The troops were huddled as at Valley Forge: they suffered extreme distress for want of food; but, through importations from France, they were better clad than ever before. Officers in

CHAP. great numbers were quitting the service from abso-
VII. lute necessity, and those who remained were sinking
1778. into poverty; while the men grew impatient under
their privations and want of pay. The next cam-
paign would unavoidably prove an inactive one; so
that the discontented would have leisure to discuss
their hardships and brood over their wrongs.

And yet the British made no progress in recover-
ing their colonies, and the Americans could not be
subdued. An incalculable amount of energy lay in
reserve in the states and in their citizens individually.
Though congress possessed no effective means of
strengthening the regular army, there could always
be an appeal to the militia, who were the people in
arms. The strength of patriotism, however it might
seem to slumber, was ready to break forth in every
crisis of danger, as a beam of light ceases to be invis-
ible when it has something to shine upon. The people
never lost buoyant self-reliance, nor the readiness to
make sacrifices for the public good.

The great defect lay in the absence of all means
of coercion. Yet no member of congress brought
forward a proposition to create the needed authority.
The body representing the nation renounced powers
of compulsion, and by choice devolved the chief ex-
ecutive acts upon the separate states. To them it
was left to enforce the embargo on the export of pro-
visions; to sanction the seizure of grain and flour for
the army at established prices; to furnish their quotas
of troops, and in great part to support them; and
each, for itself, to collect the general revenue so far
as its collection was not voluntary. State govern-
ments were dearer to the inhabitants than the gen-

eral government. The former were excellent; the latter was inchoate and incompetent. The former were time-honored and sanctified by the memories and attachments of generations; the latter had no associations with the past, no traditions, no fibres of inherited affection pervading the country. The states had power which they exercised to raise taxes to pledge and keep faith, to establish order, to administer justice through able and upright and learned courts, to protect liberty and property and all that is dear in social life; the chief acts of congress were only recommendations and promises. The states were everywhere represented by civil officers in their employ; congress had no magistrates, no courts, no executive agents of its own. The tendency of the general government was towards utter helplessness; so that not from intention, but from the natural course of political development, the spirit and the habit of separatism grew with every year. In July, 1776, the United States declared themselves to have called a "people" into being; at the end of 1778, congress knew no "people of the United States," but only "inhabitants." The name of "the United States" began to give place to that of "the confederated States," even before the phrase could pretend to historic validity. The attempt to form regiments directly by the United States completely failed; and each state maintained its separate line. There were thirteen distinct sovereignties and thirteen armies, with scarcely a symbol of national unity except in the highest offices.

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From the height of his position, Washington was the first keenly to feel and clearly to declare, that

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efficient power must be infused into the general government. To the speaker of the house of delegates of Virginia he wrote in December, 1778: "If the great whole is mismanaged, the states individually must sink in the general wreck; in effecting so great a revolution, the greatest abilities and the most honest men our American world affords ought to be employed." He saw "America on the brink of" destruction; her "common interests, if a remedy were not soon to be applied, mouldering and sinking into irretrievable ruin." He pleaded for "the momentous concerns of an empire," for "the great business of a nation." "The states, separately," such were his words, "are too much engaged in their local concerns." And he, who in the beginning of the revolution used to call Virginia his country, from this time never ceased his efforts, by conversation and correspondence, to train the statesmen of America, especially of his beloved native commonwealth, to the work of consolidating the union.

CHAPTER VIII.

THE KING OF SPAIN BAFFLED BY THE BACKWOODSMEN
OF VIRGINIA.

1778-1779.

WHILE congress unwillingly gave up the hope of dis-
lodging England from the continent of North America, CHAP.
VIII.
the negotiations between the elder and the younger 1778.
branch of the house of Bourbon changed the attitude
of the belligerent powers.

“I observe with pain,” so reported Count Mont-
morin in October, and so he was obliged continually Oct.
to report, “that this government singularly fears the
prosperity and progress of the Americans;¹ and this
fear, which was in part the cause of its excessive ill-
humor at our engagements with them,² may often
turn the scale to the side of the English. Spain will
be much inclined to stipulate for such a form of inde-
pendence as may leave divisions between England and
her colonies.”³

¹ Montmorin to Vergennes, 19
Oct., 1778.

² Ibid.

³ Montmorin to Vergennes, 15
Oct., 1778.

CHAP.
VIII.

1778.

The cabinet of Versailles rushed into the war to cripple England. Spain prompted inquiry into the political consequences of American independence. Letters came from the United States filled with reports of their ineradicable attachment to England, which would be sure to show itself in future European wars; the calm reasonings of Turgot, that, from habit and consanguinity, their commerce would return to their mother country could not be forgotten; doubts gradually rose up in the mind of Vergennes of their firmness and fidelity.¹ Florida Blanca, who persistently proposed to bridle the dreaded ambition of the United States, by a balance of power in which England should hold the post of danger, wished her to retain possession of Canada and Nova Scotia; for it would prove a perennial source of quarrels between the British and the Americans. "On our side," wrote Vergennes simultaneously, "there will be no difficulty in guaranteeing to England Canada and all other American possessions which may remain to her at the peace."² Spain desired that England after the peace might hold Rhode Island, New York, and other places along the sea; but Vergennes inflexibly answered: "To this the king cannot consent without violating the engagement contracted with the thirteen provinces, which he has recognised as free and independent states;³ for them only we ask independence, without comprehending other English possessions. We are very far from desiring that the nascent re-

¹ Vergennes to Montmorin, 2 Nov., 1778.

² Vergennes to Montmorin, 17 Oct., 1778.

³ Ibid., and 2 Nov., 1778.

public should remain the exclusive mistress of all that immense continent.”¹

CHAP.
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In the same spirit the French minister at Philadelphia zealously urged members of congress to renounce every ambition for an increase of territory. A spirit of moderation manifested itself, especially in the delegation from New York. Gouverneur Morris was inclined to relinquish to Spain the navigation of the Mississippi,² and while he desired the acquisition of Canada and Nova Scotia asserted the necessity of a law for setting a limit to the American dominion. “Our empire,” said Jay, the president of congress, “is already too great to be well governed, and its constitution is inconsistent with the passion for conquest.”³ Not suspecting the persistent hostility of Spain, as he smoked his pipe at the house of Gérard, he loudly commended the triple alliance of France, the United States, and Spain. 1778.

From the study of their forms of government, Vergennes in like manner represented to Spain that “there was no ground for seeing in this new people a race of conquerors;” and he undervalued American patriotism and firmness.⁴ To quiet the Spanish court, he further wrote in November: “Examine with reflection, collectively and in detail, the constitutions which the United States have given themselves. Their republic, unless they amend its defects, which from the diversity and even antagonism of their interests appears to me very difficult, will never be

Nov.

¹ Vergennes to Montmorin, 30 Oct., 1778.

² Gérard to Vergennes, 20 Oct., 1778.

³ Gérard to Vergennes, 22 Dec., 1778.

⁴ Vergennes to Montmorin, 2 Nov., 1778.

CHAP. anything more than a feeble body, capable of little
VIII. activity.”¹

1778. But the fears of Florida Blanca could not be allayed. He hoped security only from further negotiations; and the United States, he was persuaded, could never conclude a peace with Great Britain except under the auspices of France and Spain, and must submit to any terms which these two powers might enjoin. But first he would know what advantages France designed to exact for herself in the final treaty of peace. For a time Montmorin kept him at bay by vague promises.² “In a case like this,” said Florida Blanca, “probability will not suffice; it is necessary to be able to speak with certainty.” And, without demanding the like confidence from Spain, Vergennes in October enumerated as the only conditions which France would require:³ the treaty of Utrecht wholly continued or wholly abrogated; freedom to restore the harbor of Dunquerque; the coast of Newfoundland from Cape Bonavista to Cape St. John, with the exclusive fishery from Cape Bonavista to Point Riche. The question of a right to fortify the commercial establishment of Chandernagor fell with the surrender of that post;⁴ the insinuation of a desire to recover Canada, Vergennes always repelled as a calumny.

As the horizon began to clear and Florida Blanca became sure of his power over France, he could not conceal his joy; and, having suffered from the irony of the Spanish ambassador at Paris, he now ex-

¹ Vergennes to Montmorin, 27 Nov., 1778.

² Montmorin to Vergennes, 29 Sept., 1778.

³ Vergennes to Montmorin, 17 Oct., 1778.

⁴ Ibid.

claimed: "I submit cheerfully to the satires of Aranda to gain for myself a reputation that shall never die." CHAP.
VIII.
 From this time he was in earnest in wishing Spain to 1778.
 take part in the war. But his demands in comparison with the moderation of France were so extravagant, that he was ashamed himself to give them utterance; and in November he requested Vergennes to suggest to him the advantages which France would bind itself to secure to Spain before listening to propositions for peace.¹ A confidential declaration that accompanied his letter marked his disposition to qualify the independence of the United States.² To raise the price to be offered, the king of Spain simultaneously wrote to his nephew, Louis the Sixteenth, of his desire to avoid any part in the war; and his minister announced to the French embassy, that Spain could not be induced to engage in it, except for great objects. "You know, sir, his projects," wrote Montmorin to Vergennes; "the only way to bring him to a decision is to appear to adopt them."³ The option was embarrassing. "Six months ago," reasoned Vergennes, "England was unprepared, and might have consented to purchase peace on conditions prescribed by the Bourbons. Now she has fortified herself on every side, and God only knows what can be attained." Yet, rather than remain in a state of isolation, Vergennes on the day before Christmas, 1778, offered the king of Spain *carte blanche* to frame a treaty which the ambassador of

Nov.
20.

¹ Florida Blanca to Vergennes, 20 Nov., 1778.

² Confidential declaration of the court of Madrid to that of Versailles, 20 Nov., 1778.

³ Montmorin to Vergennes, 20 Nov., 1778; and compare Montmorin to Vergennes, 7 Dec., 1778.

CHAP.
VIII.

1778.

France at Madrid should have full power to sign.¹

But Florida Blanca reasoned, that France would be more strongly bound by articles of her own proposing, and therefore answered: "The Catholic king will not be behind the king, his nephew, in confidence. Count Vergennes may draft the convention as seems good to him, and it will certainly be signed here as soon as it shall arrive. The heart of the king, my master, knows how to reciprocate good treatment." To Montmorin he verbally explained his demands in both hemispheres. As to Europe, he said: "Without Gibraltar I will never consent to a peace."² "How are you to gain the place?" asked Montmorin; and he replied: "By siege it is impossible; Gibraltar must be taken in Ireland or in England." Montmorin rejoined: "The English must be reduced very low before they can cede Gibraltar, unless the Spaniards first get possession of it." "If our operations succeed," answered Florida Blanca, "England will be compelled to subscribe to the law that we shall dictate." At the same time he declared frankly, that Spain would furnish no troops for the invasion of Great Britain; France must undertake it alone; even the junction of the fleets of Brest and Cadiz to protect the landing must be of short duration.

Vergennes might have hesitated to inaugurate the hard conditions required; but reflection was lost in joy at the prospect of the co-operation of Spain, even though that power opposed the independence of the new allies of France, and demanded French

¹ Vergennes to Montmorin, 24 Dec., 1778.

² Montmorin to Vergennes, 12 Jan., 1779.

aid to dislodge them from the valley of the Mississippi.¹ CHAP.
VIII.

And yet disinterested zeal for freedom had not died out in the world. Early in February, 1779, Lafayette, after a short winter passage from Boston to Brest, rejoined his family and friends. His departure for America in the preceding year, against the command of his king, was atoned for by a week's exile to Paris, and confinement to the house of his father-in-law. The king then received him at Versailles with a gentle reprimand; the queen addressed him with eager curiosity: "Tell us good news of our dear republicans, of our beloved Americans."² His fame, his popularity, the social influence of his rank, were all employed in behalf of the United States. Accustomed to see great interests sustained by small means, he grudged the prodigality which expended on a single festival at court as much as would have equipped the American army. "To clothe it," said Maurepas, "he would be glad to strip Versailles." He found a ministry neglecting the main question of American independence, making immense preparations for trifling ends, and half unconscious of being at war. Public opinion in France had veered about, and everybody clamored for peace, which was to be hastened by the active alliance with Spain.

All the while the Spanish government, in its intercourse with England, sedulously continued its offers of mediation. Lest their ambassador at London should betray the secret, he was kept in the dark,

¹ Montmorin to Vergennes, 20 Augustin Thierry, whom to name Nov., 1778. is to praise; he received it from

² I received this anecdote from the lips of Lafayette.

CHAP.
VIII.

1779.

and misled; Grantham, the British ambassador at Madrid, hoodwinked by the stupendous dissimulation of Florida Blanca, wrote home in January, 1779: "I really believe this court is sincere in wishing to bring about a pacification;"¹ and, at the end of March, the king of England still confided in the neutrality of the court of Spain.² In London there was a rumor of peace through Spanish mediation; Lord Weymouth, the ablest statesman in the cabinet, steadily repelled that mediation, unless France would cease to support the insurgent colonies. Acting independently and from the consideration of her own interests alone, Spain evaded the question of American independence, and proposed her mediation to England on the basis of a truce of twenty-five or thirty years, to be granted by the king of England with the concurrence of Spain and France.³ This offer, made without consultation with Vergennes, called forth his most earnest expostulations; for, had it been accepted by the British ministry, he must have set himself at variance with Spain, or been false to his engagements with the United States. But Lord Weymouth was superior to intrigue and chicane; and with equal resolution and frankness he put aside the modified proposal "as an absolute, if not a distinct, concession of all the rights of the British crown in the thirteen colonies, under the additional disadvantage of making it to the French, rather than to the Americans themselves."⁴ If independence

¹ Grantham to Weymouth, Jan., 1779, (indorsed) received 1 Feb. from the Marquis de Almodovar.

³ Florida Blanca to De Almodovar, 20 Jan., 1779.

² George the Third to Lord North, in Donne, ii. 111.

⁴ Weymouth to Grantham, 16 March, 1779.

was to be conceded to the new states, Lord Weymouth held that it must be conceded "directly to congress, that it might be made the basis of all the advantages to Great Britain which so desirable an object might seem to be worth."¹ Uncontrolled by entangling connections, England reserved to itself complete freedom in establishing its relations with America, whether as dependencies or as states. This policy was so founded in wisdom, that it continued to be the rule of Great Britain for a little more than eighty years.

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VIII.

1779.

Meantime Vergennes, on the twelfth of February, forwarded the draft of a convention which yielded to Spain all that she required, except that its fourth article maintained the independence of the United States. "In respect to this," he wrote, "our engagements are precise, and it is not possible for us to retract them. Spain must share them, if she makes common cause with us."² Yet the article was persistently cavilled at, as in itself useless, and misplaced in a treaty of France with Spain; and it was remarked with ill-humor how precisely the treaty stipulated, "that arms should not be laid down" till American independence should be obtained, while it offered only a vague promise "of every effort" to procure the objects in which Spain was interested. "Efface the difference," answered Montmorin, "and employ the same expressions for both stipulations." The Spanish minister caught at the unwary offer, and in this way it was agreed that peace should not

Feb.
12.

¹ Weymouth to Grantham, 16 March, 1779, and *Ibid.*, 4 May, 1779. ² Vergennes to Montmorin, 12 Feb., 1779.

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VIII.

1779.

be made without the restoration of Gibraltar. Fired by the prospect which now opened before him, the king of Spain pictured to himself¹ the armies of France breaking in upon the English at their fire-sides; and Florida Blanca said to Montmorin: "The news of the rupture must become known to the world by a landing in England. With union, secrecy, and firmness, we shall be able to put our enemies under our feet; but no decisive blow can be struck at the English except in England itself."²

March.

All this time the Spanish minister avoided fixing the epoch for joint active measures. Towards the end of March, Vergennes wrote impatiently: "How can he ask us to bind ourselves to everything that flatters the ambition of Spain, whilst he may make the secret reserve never to take part in the war, but in so far as the dangers are remote and the advantages certain? in one word, to reap without having sown? The difficulty can be excused only by attributing it to that spirit of a pettifogger which formed the essence of his first profession; and which we have encountered only too often. I cry out less at his repugnance to guarantee American independence. Nothing is gratuitous on the part of Spain; we know from herself that she wants suitable concessions from the Americans; to this we assuredly make no opposition."³

Discussing in detail with Montmorin the article relating to the Americans, Florida Blanca said: "The king, my master, will never acknowledge their inde-

¹ Court of Spain to the court of France, 26 Feb., 1779.

² Montmorin to Vergennes, 18 March, 1779.

³ Vergennes to Montmorin, 19 March, 1779.

pendence, until the English themselves shall be forced to recognise it by the peace. He fears the example which he should otherwise give to his own possessions." "As well acknowledge their independence as accord them assistance," began Montmorin; but the minister cut him short, saying: "Nothing will come of your insisting on this article."¹

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VIII.

1779.

Now that no more was to be gained, Florida Blanca himself made a draft of a convention, and suddenly presented it to Montmorin. A few verbal corrections were agreed upon, and on the evening of the twelfth of April the treaty was signed.

April
12.

By its terms France bound herself to undertake the invasion of Great Britain or Ireland; if she could drive the British from Newfoundland, its fisheries were to be shared only with Spain. For trifling benefits to be acquired for herself, she promised to use every effort to recover for Spain Minorca, Pensacola, and Mobile, the bay of Honduras, and the coast of Campeachy; and the two courts bound themselves not to grant peace, nor truce, nor suspension of hostilities, until Gibraltar should be restored. From the United States Spain was left free to exact, as the price of her friendship, a renunciation of every part of the basin of the Saint Lawrence and the lakes, of the navigation of the Mississippi, and of all the land between that river and the Alleghanies.

This convention of France with Spain modified the treaty between France and the United States. The latter were not bound to continue the war till Gibraltar should be taken; still less, till Spain should have carried out her views hostile to their interests. They

¹ Montmorin to Vergennes, 29 March, 1779.

CHAP. gained the right to make peace whenever Great
VIII. Britain would recognise their independence.

1779. The Mississippi river is the guardian and the pledge of the union of the states of America. Had they been confined to the eastern slope of the Alleghanies, there would have been no geographical unity between them, and the thread of connection between lands that merely fringed the Atlantic must soon have been sundered. The father of rivers gathers his waters from all the clouds that break between the Alleghanies and the furthest ranges of the Rocky mountains. The ridges of the eastern chain bow their heads at the north and at the south; so that long before science became the companion of man, nature herself pointed out to the barbarous races how short portages join his tributary rivers to those of the Atlantic coast. At the other side, his mightiest arm interlocks with the arms of the Oregon and the Colorado, and by the conformation of the earth itself marshals highways to the Pacific. From his remotest springs he refuses to suffer his waters to be divided; but, as he bears them all to the bosom of the ocean, the myriads of flags that wave above his head are all the ensigns of one people. States larger than kingdoms flourish where he passes; and, beneath his step, cities start into being, more marvellous in their reality than the fabled creations of enchantment. His magnificent valley, lying in the best part of the temperate zone, salubrious and wonderfully fertile, is the chosen muster-ground of the most various elements of human culture brought together by men, summoned from all the civilized nations of the earth, and joined in the bonds of common citizenship by the strong, in-

visible attraction of republican freedom. Now that science has come to be the household friend of trade and commerce and travel, and that nature has lent to wealth and intellect the use of her constant forces, the hills, once walls of division, are scaled or pierced or levelled; and the two oceans, between which the republic has unassailably intrenched itself against the outward world, are bound together across the continent by friendly links of iron. CHAP.
VIII.
1779.

From the grandeur of destiny foretold by the possession of that river and the lands drained by its waters, the Bourbons of Spain, hoping to act in concert with Great Britain as well as France, would have excluded the United States totally and forever.

While the absolute monarch of the Spanish dominions and his minister thought to exclude the republic from the valley of the Mississippi, a new power emerged from its forests to bring their puny policy to nought. An enterprise is now to be recorded, which, for the valor of the actors, their fidelity to one another, the seeming feebleness of their means, and the great result of their hardihood, remains forever memorable in the history of the world.

On the sixth of June, 1776, the emigrants to the region west of the Louisa river, at a general meeting in Harrodston, elected George Rogers Clark and another as their representatives to the assembly of Virginia, with a request that their settlements might be constituted a county. Before they could cross the mountains, the legislature of Virginia had declared independence, established a government, and adjourned. In a later session, they were not admitted to seats in the house; but on the sixth of December the western-

CHAP.
VIII.

most part of the state was incorporated as a county and named Kentucky. As on his return he descended the Ohio, Clark brooded over the conquest of the land to the north of the river. In the summer of 1777, he sent two young hunters to reconnoitre the French villages in Illinois and on the Wabash; but neither to them nor to any one else did he disclose his purpose.

During all that summer an apprehension prevailed at Detroit of danger to the settlements in the Illinois,¹ but only from the Spanish side of the Mississippi. On the first of October, 1777, Clark took leave of the woodsmen of Kentucky, who saw him depart for the east with fear lest, entering the army, he would never return. On the tenth of December he unbosomed to Patrick Henry his purpose of acquiring the territory north-west of the Ohio. The surrender of Burgoyne had given confidence; yet Patrick Henry hesitated; for, as success depended on secrecy, the legislature could not be consulted; but a few 'trusty men' — George Wythe, George Mason, and Thomas Jefferson — were taken to counsel, and the expedition was resolved upon. On the second of January, 1778, Clark received his instructions and twelve hundred pounds in paper money. On the next day Wythe, Mason, and Jefferson pledged their influence to secure a grant of three hundred acres of land to every man who should engage in the expedition. On the fourth Clark left Williamsburg, clothed with all the authority he could wish. At Redstone-old-fort, he prepared boats, light artillery, and ammunition. For men he relied solely on volunteer backwoodsmen of south-western Penn-

¹ Hamilton to Germain, 14 July, 1777, and *Ibid.*, 27 July, 1777.

sylvania, and from what we now call East Tennessee, and Kentucky. On the twenty-fourth of June, the day of an eclipse of the sun, his boats passed over the falls of the Ohio. After leaving a small garrison in an island near them, his party consisted of four companies only; but the men were freeholders, each of whom had self-respect, and confidence in every one of his companions. Their captains were John Montgomery, Leonard Helm, Joseph Bowman, and William Harrod. An attack on Vincennes was the first object of Clark, but he learned that its garrison outnumbered his forces.

CHAP.
VIII.
1778.

In the north-west, Detroit was the central point of British authority. There Hamilton, the lieutenant-governor, summoned several nations of Indians to council; and from that post he sent abroad along the American frontier parties of savages, whose reckless cruelty won his applause as the best proofs of their attachment to British interests.¹ Sure of their aid, he schemed attempts against the "rebel forts on the Ohio," relying on the red men of the prairies, and the white men of Vincennes. The reports sent to Germain made him believe that the inhabitants of that settlement, though "a poor people who thought themselves cast off from his Majesty's protection, were firm in their allegiance to defend Fort Sackville against all enemies," and that hundreds in Pittsburgh remained at heart attached to the crown.²

On the invasion of Canada in 1775, Carleton, to

¹ Hamilton to Germain, 7 June, Vincennes) to Germain, 3 April, 1778.

² Abbot (lieutenant-governor of

CHAP.
VIII.

1778.

strengthen the posts of Detroit and Niagara, had withdrawn the small British garrison from Kaskaskia, and the government was left in the hands of Rocheblave, a Frenchman, who had neither troops nor money. "I wish," he wrote in February, 1778, "the nation might come to know one of its best possessions, and consent to give it some encouragement;" and he entreated Germain that a lieutenant-governor might be sent with a company of soldiers to reside in Illinois.¹

On the passage down the Ohio, Clark was overtaken by news of the alliance with France. Having learned from a band of hunters the defenceless condition of Kaskaskia, he and his party, landing three leagues below the mouth of the Tennessee, struck across the country on foot, approached Kaskaskia on the fourth of July, in the darkness of evening surprised the town, and without bloodshed seized Rocheblave, the commandant. The inhabitants gladly bound themselves to fealty to the United States. A detachment under Bowman was despatched to Kahokia, and received its submission. The people, of French origin and few in number, were averse to the dominion of the English; and this disaffection was confirmed by the American alliance with the land of their ancestors.

In a long conference, Giboult, a Catholic priest, dissuaded Clark from moving against Vincennes. His own offer of mediation being accepted, he, with a small party, repaired to the post; and its people, having listened to his explanation of the state of affairs, went into the church and took the oath of

¹ Rocheblave to Germain, 28 Feb., 1778.

allegiance to the United States. The transition from the condition of subjects of a king to that of integral members of a free state made them new men. Planning the acquisition of the whole north-west, they sent to the Indians on the Wabash five belts: a white one for the French; a red one for the Spaniards; a blue one for America; and for the Indian tribes a green one as an offer of peace, and one of the color of blood if they preferred war, with this message: "The king of France is come to life. We desire to pass through your country to Detroit. We desire you to leave a very wide path for us, for we are many in number and love to have room enough for our march; for, in swinging our arms as we walk, we might chance to hurt some of your young people with our swords."¹

CHAP.
VIII.

1778.

To dispossess the Americans of the Illinois country and Vincennes, Lieutenant-Governor Hamilton on the seventh of October left Detroit, accompanied by three hundred and fifty warriors, picked by their chiefs out of thirteen different nations. Arrived at Vincennes on the seventeenth of December, he took possession of the fort without opposition; and the inhabitants of the town returned to their subjection to the British king. After this exploit he contented himself for the winter with sending out parties; but he announced to the Spanish governor his purpose early in the spring to recover Illinois; and, confident of receiving re-enforcements, he threatened, that, if the Spanish officers should afford an asylum to rebels in arms against their lawful sovereign,

¹ Hamilton to Haldimand, 7 Oct., 1778.

CHAP. he would invade their territory and seize the fugi-
 VIII. tives.¹

1779. Hamilton was methodical in his use of Indians. He gave standing rewards for scalps, but offered none for prisoners. His continuous volunteer parties, composed of Indians and whites, spared neither men, nor women, nor children.² In the coming year he promised that as early as possible all the different nations, from the Chickasaws and Cherokees to the Hurons and Five Nations, should join in the expeditions against Virginia; while the lake Indians from Mackinaw, in conjunction with the white men, agreed to destroy the few rebels in Illinois.³ Meantime, that he might be prepared for his summer's bloody work, he sent out detachments to watch Kaskaskia and the falls of the Ohio, and to intercept any boats that might venture up that river with supplies for the rebels.⁴ He never doubted his ability to sweep away the forts on the Kentucky and Kanawha, ascend the Ohio to Pittsburgh, and reduce all Virginia west of the mountains.

Over Clark and his party in Illinois danger hovered from every quarter. He had not received a single line from the governor of Virginia for near twelve months; his force was too small to stand a siege; his position too remote for assistance. By his orders, Bowman of Kentucky joined him, after evacuating the fort at Kahokia, and preparations were made for the defence of Kaskaskia. Just then Francis Vigo, by birth an Italian of Piedmont, a trader of St. Louis,

¹ Hamilton to the Spanish governor, 13 Jan., 1779.

² T. J. Randolph's Jefferson, i. 456.

³ Hamilton to the commandant at Natchez, 13 Jan., 1779.

⁴ Ibid.

arrived from Vincennes, and gave information that Hamilton had weakened himself by sending out hordes of Indians; that he had not more than eighty soldiers in garrison, nor more than three pieces of cannon and some swivels mounted; but that he intended to collect in spring a sufficient number of men to clear the west of the Americans before the fall.

With a courage as desperate as his situation, Clark instantly resolved to attack Hamilton before he could call in his Indians. On the fourth of February, he despatched a small galley, mounting two four-pounders and four swivels, and carrying a company of men and military stores under Captain John Rogers, with orders to ascend the Wabash, take a station a few miles below Vincennes, suffer nothing to pass, and await further instructions. Of the young men of Illinois, thirty volunteered to be the companions of Clark; the rest he embodied to garrison Kaskaskia and guard the different towns. On the seventh of February, he began his march across the country with one hundred and thirty men. The inclemency of the season and high water threatened them with ruin. In eleven days they came within three leagues of Vincennes, on the edge of "the drowned lands" of the Wabash river. To cross these required five days more, during which they had to make two leagues, often up to the breast in water. Had not the weather been mild, they must have perished; but the courage and confidence of Clark and his troop never flagged.

All this time Hamilton was planning murderous expeditions. He wrote: "Next year there will be the greatest number of savages on the frontier that

CHAP.
VIII.

1779.

Feb.
4.

7.

18.

28.

CHAP.
VIII.1779.
Feb.
23.

has ever been known, as the Six Nations have sent belts around to encourage their allies, who have made a general alliance.”¹ On the twenty-third, a British gang returning with two prisoners reported to him, that they had seen the remains of fifteen fires; and at five o’clock in the afternoon he sent out one of his captains with twenty men in pursuit of a party that was supposed to have come from Pittsburgh.

Two hours after their departure, Clark and his companions got on dry land, and making no delay, with drum beating and a white flag flying, they entered Vincennes at the lower end of the village. The town surrendered immediately, and assisted in the siege of the fort, which was immediately invested. One captain, who lived in the village, with two Ottawa chiefs and the king of the Hurons, escaped to the wood, where they were afterwards joined by the chief of the Miamis and three of his people. The moon was new; and in the darkness Clark threw up an intrenchment within rifle shot of the fort. Under this protection, the riflemen silenced two pieces of cannon. The firing was continued for about fourteen hours, during which Clark purposely allowed La Motte and twenty men to enter the place. The riflemen aimed so well that, on the forenoon of the twenty-fourth, Hamilton asked for a parley. At first Clark demanded his surrender at discretion. The garrison declared, “they would sooner perish to the last man;”² and offered to capitulate on the condition that they might march out with the honors of war, and return to Detroit. “To that,” answered Clark,

¹ Hamilton to the commandant at Natchez, 13 Jan., 1779.

² Hamilton to Captain Lemoult, 28 Feb., 1779.

“I can by no means agree. I will not again leave it in your power to spirit up the Indian nations to scalp men, women, and children.” About twelve o’clock the firing was renewed on both sides; and, before the twenty-fourth came to an end, Hamilton and his garrison, hopeless of succor and destitute of provisions, surrendered as prisoners of war.¹

CHAP.
VIII.

1779.

A very large supply of goods for the British force was on its way from Detroit. Sixty men, despatched by Clark in boats well mounted with swivels, surprised the convoy forty leagues up the river, and made a prize of the whole, taking forty prisoners. The joy of the party was completed by the return of their messenger from Virginia, bringing from the house of assembly its thanks voted on the twenty-third of November, 1778, “to Colonel Clark and the brave officers and men under his command, for their extraordinary resolution and perseverance, and for the important services which they have thereby rendered their country.”²

Since the time of that vote, they had undertaken a far more hazardous enterprise, and had obtained permanent “possession of all the important posts and settlements on the Illinois and Wabash, rescued the inhabitants from British dominion, and established civil government” in its republican form.³

The conspiracy of the Indians embraced those of the south. Early in the year 1779, Cherokees and warriors from every hostile tribe south of the Ohio, to the number of a thousand, assembled at Chicka-

¹ Hamilton to Captain Lemoult, 28 Feb., 1779. ² Girardin’s History of Virginia, 319.

³ Butler’s History of Kentucky, 113.

CHAP.
VIII.

1779.

April.

mauga. To restrain their ravages, which had extended from Georgia to Pennsylvania, the governments of North Carolina and Virginia appointed Evan Shelby to command about a thousand men, called into service chiefly from the settlers beyond the mountains. To these were added a regiment of twelve-months men, that had been enlisted for the re-enforcement of Clark in Illinois. Their supplies and means of transportation were due to the unwearied and unselfish exertions of Isaac Shelby. In the middle of April, embarking in pirogues and canoes at the mouth of Big Creek, they descended the river so rapidly as to surprise the savages, who fled to the hills and forests. They were pursued, and forty of their warriors fell. Their towns were burned; their fields laid waste; and their cattle driven away.

Thus the plans of the British for a combined attack, to be made by the northern and southern Indians upon the whole western frontier of the states from Georgia to New York, were defeated. For the rest of the year the western settlements enjoyed peace, and the continuous flow of emigration through the mountains to Kentucky and the country on the Holston so strengthened them, that they were never again in danger of being broken up by any alliance of the savages with the British. The prowess of the people west of the Alleghanies, where negro slavery had not yet been introduced and every man was in the full possession of a wild but self-restrained liberty, fitted them for self-defence. The men on the Holston exulted in all the freshness and gladsome hopefulness of political youth and enterprise; and, in this year, Robertson with a band of hunters took possession of

the surpassingly fertile country on the Cumberland river. CHAP.
VIII.

Clark could not pursue his career of victories, for 1779.
the regiment designed for his support had been diverted, and thus the British gained time to re-enforce and fortify Detroit.¹ But Jefferson, then governor of Virginia, gave instructions to occupy a station on the Mississippi, between the mouth of the Ohio and the parallel of $36^{\circ} 30'$; and in the spring of 1780, Clark, choosing a strong and commanding situation five miles below the mouth of the Ohio, established 1780.
Fort Jefferson as the watch on the father of rivers. Could the will of Charles the Third of Spain defeat the forethought of Jefferson? Could the intrigues of Florida Blanca stop the onward wave of the backwoodsmen?

¹ Butler's *History of Kentucky*, 113.

CHAPTER IX.

PLAN OF PEACE.

1779.

CHAP.
IX.

1779. FOR the northern campaign of 1779 two objects presented themselves to America: the capture of Fort Niagara, to be followed by that of Detroit; and the recovery of New York city. But either of these schemes would have required an army of thirty thousand men; while the fall of the currency, party divisions, and the want of a central power paralyzed every effort at a harmonious organization of the strength of all the states. Washington remained more than a month at Philadelphia in consultation with congress, and all agreed that the country must confine itself to a defensive campaign.¹

Measures for the relief of the national treasury were postponed by congress from day to day, apparently from thoughtlessness, but really from conscious inability to devise a remedy; while it wasted time upon personal and party interests. Gates was more

¹ Writings of Washington, ed. Sparks, vi. 217.

busy than ever in whispers against Washington. Most men thought the war near its end; the skillfully speculative grew rich by the fluctuations in prices; and shocked a laborious and frugal people by their extravagant style of living. The use of irredeemable paper poisoned the relations of life, and affected contracts and debts, trusts and inheritances. Added to this, the British had succeeded in circulating counterfeit money so widely, that congress in January was compelled to recall two separate emissions, each of five millions.

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IX.

1779.

Jan.

Even a defensive campaign was attended with difficulties. To leave the officers, by the depreciation of the currency, without subsistence, augured the reduction of the army to a shadow.¹ Few of them were willing to remain on the existing establishment, and congress was averse to granting pensions to them or to their widows.

The rank and file were constantly decreasing in number, and not from the casualties of the service alone. Many would have the right to their discharge in the coming summer; more at the end of the year. To each of them who would agree to serve during the war, a bounty of two hundred dollars, besides land and clothing, was promised; while those who had in former years enlisted for the war received a gratuity of one hundred dollars. Yet all would have been in vain but for the character of the people. Among the emigrants, some mere needy adventurers joined the English standard; others of serious convictions, as well as the descendants of the early settlers of the country, formed the self-reliant,

¹ Writings of Washington, ed. Sparks, vi. 168.

CHAP. invincible resource of the Americans. If Washington
IX. could not drive the British from New York, neither
1779. could England recover jurisdiction over a foot of land
beyond the lines of her army.

March. Tardily in March, congress voted that the infantry
should consist of eighty battalions, of which eleven
were assigned to Pennsylvania, as many to Virginia,
and fifteen to Massachusetts.¹ Not one state fur-
nished its whole quota; the last-named more nearly
than any other. In addition to the congressional
bounty, New Jersey paid two hundred and fifty dol-
lars to each of her recruits. Often in Massachusetts,
sometimes in Virginia, levies were raised by draft.²

Four years of hard service and of reflection had
ripened in Washington the conviction of the need of
a national government. To other states than his
native commonwealth he made appeals for the sub-
ordination of every selfish interest to the public good;
so that, in the want of a central government, each of
them might do its utmost for what he called "our
common country, America," "our noble cause, the
cause of mankind."³ But to the men of Virginia he
unbosomed himself more freely. His was the elo-
quence of a sincere, single-minded, and earnest man,
whose words went to the heart from his love of truth
and the intensity of his convictions. To one Virginia
statesman he wrote: "Our affairs are now come to a
crisis. Unanimity, disinterestedness, and persever-
ance in our national duty are the only means to
avoid misfortunes." In a "letter sent by a private

¹ Journals of Congress, 9 March, 1779. ² Writings of Washington, ed. Sparks, vi. 156.

³ Writings of Washington, ed. Sparks, vi. 211.

hand," he drew the earnest thoughts of George Mason to the ruin that was coming upon the country from personal selfishness and provincial separatism in these words: "I view things very differently from what the people in general do, who seem to think the contest is at an end, and to make money and get places the only things now remaining to do. I have seen without despondency, even for a moment, the hours which America has styled her gloomy ones; but I have beheld no day, since the commencement of hostilities, that I have thought her liberties in such eminent danger as at present. Friends and foes seem now to combine to pull down the goodly fabric we have been raising at the expense of so much time, blood, and treasure; and unless the bodies politic will exert themselves to bring things back to first principles, correct abuses, and punish our internal foes, inevitable ruin must follow. Indeed, we seem to be verging so fast to destruction, that I am filled with sensations to which I have been a stranger till within these three months. Our enemies behold with exultation and joy how effectually we labor for their benefit; and from being in a state of absolute despair, and on the point of evacuating America, are now on tip-toe. Nothing, therefore, in my judgment can save us but a total reformation in our own conduct, or some decisive turn to affairs in Europe. The former, alas! to our shame be it spoken, is less likely to happen than the latter.

"Were I to indulge my present feelings, and give a loose to that freedom of expression which my unreserved friendship for you would prompt me to, I should say a great deal on this subject. I cannot

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1779.

CHAP. IX. refrain lamenting, however, in the most poignant
 1779. terms, the fatal policy too prevalent in most of the states, of employing their ablest men at home in posts of honor and profit, till the great national interest is fixed upon a solid basis. To me it appears no unjust simile, to compare the affairs of this great continent to the mechanism of a clock, each state representing some one or other of the smaller parts of it, which they are endeavoring to put in fine order, without considering how useless and unavailing their labor is, unless the great wheel or spring which is to set the whole in motion is also well attended to and kept in good order. As it is a fact too notorious to be concealed, that congress is rent by party, no man who wishes well to the liberties of his country and desires to see its rights established can avoid crying out, Where are our men of abilities? Why do they not come forth to save their country? Let this voice, my dear sir, call upon you, Jefferson, and others. Do not, from a mistaken opinion, let our hitherto noble struggle end in ignominy. Believe me, when I tell you, there is danger of it. I shall be much mistaken if administration do not now, from the present state of our currency, dissensions, and other circumstances, push matters to the utmost extremity. Nothing will prevent it but the interposition of Spain, and their disappointed hope from Russia.”¹

May 18. On the eighteenth of May he wrote to another friend: “I never was, and much less reason have I now to be, afraid of the enemy’s arms; but I have

¹ Washington to George Mason, Middlebrook, 27 March, 1779. Copied by me from MS. draft in Washington’s handwriting: printed from the papers of George Mason, in the Virginia Historical Register, v. 96. Marshall’s Life of Washington, i. 291.

no scruples in declaring to you, that I have never yet seen the time in which our affairs, in my opinion, were at as low an ebb as at the present; and, without a speedy and capital change, we shall not be able to call out the resources of the country.”¹

While Washington reasoned that the British ministers plainly intended to prosecute the war on American soil, and to make a permanent conquest of the south, congress avoided or delayed the expense of proper re-enforcements of its army,² and lulled itself into the belief that hostilities were near their end. In this quiet it was confirmed by a proceeding of the French minister, who had been specially commanded to ascertain its ultimate demands, and to mould them into a form acceptable to Spain. Its answer to the British commissioners in 1778 implied a willingness to treat with Great Britain on her recognition of American independence. “It has but one course to take,” wrote Vergennes before his treaty with Spain, “and that is to declare distinctly and roundly, that it will listen to no proposition, unless it has for its basis peace with France as well as with America.” On the report of an able committee on which are found the names of Samuel Adams and Jay, congress, on the fourteenth of January, 1779, resolved unanimously, “that as neither France nor these United States may of right, so they will not conclude either truce or peace with the common enemy, without the formal consent of their ally first obtained.”

The conditions on which it was most difficult for

¹ Writings of Washington, ed. Sparks, vi. 252, note. ² Ibid., vi. 199.

CHAP. IX. the Americans to preserve moderation related to
1779. boundaries and to the fisheries. They were to take
their place in the political world as an unknown
power, of whose future influence both France and
Spain had misgivings. The latter longed to recover
the Floridas: the United States had no traditional
wish for their acquisition; and, from the military
point of view, Washington preferred that Spain
should possess the Floridas rather than Great Britain.
Here no serious difference could arise.

Spain wished to extend on the north to the
Ohio, on the east to the Alleghanies; but the back-
woodsmen were already in possession of the terri-
tory and it would have been easier to extirpate the
game in the forests than to drive them from their
homes.

Spain made the exclusive right to the navigation
of the Mississippi the condition of her endurance of
the United States; and it remained to be seen,
whether they could be brought by their necessities
to acquiesce in the demand. It was the wish of both
France and Spain that the country north-west of the
Ohio river should be guaranteed to Great Britain;
but such a proposition could never gain a hearing in
congress. France, renouncing for herself all preten-
sions to her old provinces, Canada and Nova Scotia,
joined Spain in opposing every wish of the Amer-
icans to acquire them. In this congress acquiesced,
though two states persisted in demanding their an-
nexation.

With regard to the fisheries, of which the interrup-
tion formed one of the elements of the war, public
law had not yet been settled. By the treaty of

Utrecht,¹ France agreed not to fish within thirty leagues of the coast of Nova Scotia; and by that of Paris, not to fish within fifteen leagues of Cape Breton.² Moreover, New England at the beginning of the war had by act of parliament been debarred from fishing on the banks of Newfoundland. What right of legislation respecting them would remain at the peace to the parliament of England? Were they free to the mariners of all nations? and what limit was set to the coast fisheries by the law of nature and of nations? "The fishery on the high seas," so Vergennes expounded the law of nations, "is as free as the sea itself, and it is superfluous to discuss the right of the Americans to it. But the coast fisheries belong of right to the proprietary of the coast. Therefore the fisheries on the coasts of Newfoundland, of Nova Scotia, of Canada, belong exclusively to the English; and the Americans have no pretension whatever to share in them."³

But they had hitherto almost alone engaged in the fisheries on the coast of Nova Scotia and in the gulf of St. Lawrence; deeming themselves to have gained a right to them by exclusive and immemorial usage. Further, the New England men had planned and had alone furnished land forces for the first reduction of Cape Breton, and had assisted in the acquisition of Nova Scotia and Canada. The fisheries on their coasts seemed to them, therefore, a perpetual joint property. Against this Vergennes argued that the conquest had been made for the crown of Great

¹ Article xiii., April 11, 1713.

³ Vergennes to Luzerne, 25

² Treaty of 10 Feb., 1763, article 5.

CHAP. IX. Britain; and that the New England men, on ceasing
1779. to be the subjects of that crown, lost all right in the
coast fisheries.

The necessity of appeals to France for aid promoted obsequiousness to its wishes. He that accepts subsidies binds his own hands, and consents to play a secondary part. A needy government, reduced to expedients for getting money, loses some degree of its consideration.

To persuade congress to propitiate Spain by conceding all her demands, the French minister at Philadelphia sought interviews with its separate members and with its newly appointed committee on foreign affairs, which was composed of one from each state; and insisted with them on the relinquishment of the fisheries, and of the valley and navigation of the Mississippi. It was answered, that that valley was already colonized by men who would soon be received into the union as a state. He rejoined that personal considerations must give way to the general interests of the republic; that the king of Spain, if he engaged in the war, would have equal rights with the United States to acquire territories of the king of England; that the persistence in asserting a right to establishments on the Ohio and the Illinois, and at Natchez, would exhibit an unjust desire of conquest; that such an acquisition was absolutely foreign to the principles of the American alliance with France, and of the system of union between France and Spain, as well as inconsistent with the interests of the latter power; and he formally declared, "that his king would not prolong the war one single day to secure

to the United States the possessions which they coveted."¹

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1779.

"Besides; the extent of their territory rendered already a good administration difficult: so enormous an increase would cause their immense empire to crumble under its own weight."² Gérard terminated his very long conversation by declaring the strongest desire, "that the United States might never be more than thirteen, unless Canada should one day be received as the fourteenth." The president of congress, still confiding in the triple alliance, avowed himself content with the boundary of the colonies at the breaking out of the revolution,³ and the French minister did not doubt of success in extorting the concessions required by Spain.

On the fifteenth of February, Gérard in a private audience represented to congress that the price which Spain put upon her friendship was Pensacola and the exclusive navigation of the Mississippi;⁴ if her wishes were not complied with, Spain and England might make common cause against America.⁵

Feb.
15.

Two days after this private interview, congress referred the subject of the terms of peace to a special committee of five, composed of Gouverneur Morris, of New York; Burke, of North Carolina; Witherspoon, of New Jersey; Samuel Adams, of Massachusetts; and Smith, of Virginia. Of these, Samuel Adams demanded the most territory; while Morris would rather have had no increase than more lands at the south.

17.

¹ Gérard to Vergennes, 28 Jan., 1779, and compare Ibid., 19 Sept., 1779.

² Ibid.

⁴ Ibid., 17 Feb., 1779.

³ Gérard to Vergennes, 28 Jan.,

⁵ Ibid.

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IX.1779.
Feb.
23.

On the twenty-third the committee reported their opinion, that the king of Spain was disposed to enter into an alliance with the United States, and that consequently independence must be finally acknowledged by Great Britain. This being effected, they proposed as their ultimatum that their territory should extend from the Atlantic to the Mississippi, from the Floridas to Canada and Nova Scotia; that the right of fishing and curing fish on the banks and coasts of Newfoundland should belong equally to the United States, France, and Great Britain; and that the navigation of the Mississippi should be free to the United States down to their southern boundary, with the benefit of a free port below in the Spanish dominions.

March
19.

Congress, in committee of the whole, on the nineteenth of March, agreed substantially to the report on boundaries, yet with an option to adopt westward from Lake Ontario the parallel of the forty-fifth degree of latitude. The right to the fisheries was long under discussion, which ended with the vote that the common right of the United States to fish on the coasts, bays, and banks of Nova Scotia, the banks of Newfoundland and gulf of St. Lawrence, the straits of Labrador and Belle Isle, should in no case be given up.¹ On the twenty-fourth, ten states against Pennsylvania alone, New Hampshire and Connecticut being divided, refused to insert the right to navigate the Mississippi.² On that subject the instructions were properly silent; for it was a question with Spain alone; Great Britain, according to the American

¹ Secret Journals of Congress, ii. 145.

² Secret Journals of Congress, ii. 148.

view, was to possess no territory on the Mississippi, from its source to its mouth. CHAP.
IX.

On the same day, Gerry obtained a reconsideration of the article on the fisheries. The treaty of Utrecht divided those of Newfoundland between Great Britain and France, on the principle that each should have a monopoly of its own share. 1779.

Richard Henry Lee brought up the subject anew, and, avoiding a collision with the monopoly of France, he proposed that the right of fishing on the coasts and banks of North America should be reserved to the United States as fully as they enjoyed the same when subject to Great Britain. This substitute was carried by the vote of Pennsylvania and Delaware, with the four New England states.

But the state of New York, guided by Jay and Gouverneur Morris, altogether refused to insist on a right by treaty to fisheries; and Gouverneur Morris, on the eighth of May, calling to mind "the exhausted situation of the United States, the derangement of their finances, and the defect of their resources,"¹ moved that the acknowledgment of independence should be the sole condition of peace. The motion was declared to be out of order by the votes of the four New England states, New Jersey, and Pennsylvania, against the unanimous vote of New York, Maryland, and North Carolina; while Delaware, Virginia, and South Carolina were equally divided. May
8.

The French minister now intervened, and on the twenty-seventh of May congress went back to its resolve, "that in no case, by any treaty of 27.

¹ Secret Journals of Congress, ii. 154.

CHAP. IX. peace, should the common right of fishing be given
up.”¹

1779. On the third of June, Gerry, who was from Marble-
June head, again appeared as the champion of the Amer-
3. ican right to the fisheries on banks or coasts, as
exercised during their political connection with Great
Britain. He was in part supported by Sherman;² but
New Hampshire, Massachusetts, and Rhode Island
alone sustained a right to the fisheries on the coasts
of British provinces; and, though Pennsylvania came
to their aid, the “Gallican party,” by a vote of seven
states against the four, set aside the main question;
so that congress refused even to stipulate for the
“free and peaceable use and exercise of the common
right of fishing on the banks of Newfoundland.”

15. In the preceding December the queen of France,
after many years of an unfruitful marriage, gave
birth to a daughter. On the fifteenth of June, con-
gress, congratulating the king of France on the
birth of a princess, asked for “the portraits of him-
self and his royal consort, to be placed in their coun-
cil chamber, that the representatives of these states
might daily have before their eyes the first royal
friends and patrons of their cause.” This was not
merely the language of adulation. The Americans
felt the sincerest interest in the happiness of Louis
the Sixteenth. An honest impulse of gratitude gave
his name to the city which overlooks the falls of the
Ohio; and, when in 1781 a son was born to him,
Pennsylvania commemorated the event in the name
of one of its counties. In later years, could the

¹ Secret Journals of Congress,
ii. 161.

² Secret Journals of Congress,
ii. 162.

voice of the United States have been heard, he and his wife and children would have been saved, and welcomed to their country as an asylum. On the same day, congress solicited supplies from France to the value of nearly three millions of dollars, to be paid for, with interest, after the peace.

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1779.

On the seventeenth, performing a great day's work, it went through the remainder of the report of its committee. The independence or cession of Nova Scotia was waived; nor was the acquisition of the Bermudas to be mooted. A proposal to yield the right to trade with the East Indies was promptly thrown out. A clause stipulating not to engage in the slave-trade was rejected by a unanimous vote of twelve states, Georgia being absent; Gerry and Jay alone dissenting.

June
17.

The committee proposed to bind the United States never to extend their dominion beyond the limits that might be fixed by the treaty of peace; but the article was set aside. Before the close of the day every question on the conditions of peace was decided; the "Gallicans" congratulated themselves that the long struggle was ended in their favor; and Dickinson of Delaware, Gouverneur Morris of New York, and Marchant of Rhode Island, two of whom were of that party, were appointed to prepare the commission for the American minister who should be selected to negotiate a peace.

Suddenly, on the nineteenth of June, the contentment of the French minister and his friends was disturbed. Elbridge Gerry, of Massachusetts, evading a breach of the rules of congress by a change in form, moved resolutions, that the United States have a com-

19.

CHAP. IX. mon right with the English to the fisheries on the
 1779. banks of Newfoundland, and the other fishing-banks
 and seas of North America. The demand was for no
 more than Vergennes confessed to belong to them
 by the law of nations; and Gerry insisted that unless
 the right received the guarantee of France, or the
 consent of Great Britain, the American minister
 should not sign any treaty of peace without first
 consulting congress. A most stormy and acrimonious
 debate ensued. The friends of France resisted
 the resolutions with energy and bitterness, as absurd
 and dangerous, sure to alienate Spain, and contrary to
 the general longing for peace. Four states declared
 peremptorily that, should such a system be adopted,
 they would secede from the confederation;¹ and
 they read the sketch of their protest on the subject.
 Congress gave way in part, but by the votes of the
 four New England states and Pennsylvania against
 New York, Maryland, Virginia, and North Carolina,
 with New Jersey, Delaware, and South Carolina di-
 vided, they affirmed the common right of the Amer-
 icans to fish on the grand banks; and they asked for
 that right the guarantee of France in the form of an
 explanatory article of existing treaties.²

The French minister took the alarm, and sought an
 interview with the president of congress and two other
 members³ equally well disposed to his policy. Find-
 ing them inclined to yield to New England, he inter-
 posed that disunion from the side of New England
 was not to be feared, for its people carried their

¹ Gérard to Vergennes, 14 July, 1779. ² Secret Journals of Congress, ii. 184.

³ Gérard to Vergennes, 14 July, 1779.

love of independence even to delirium. He added: CHAP.
IX.
 “There would seem to be a wish to break the connec-
 tion of France with Spain; but I think I can say that, 1779.
 if the Americans should have the audacity to force
 the king of France to choose between the two alli-
 ances, his decision would not be in favor of the United
 States; he will certainly not expose himself to con-
 sume the remaining resources of the kingdom for
 many years, only to secure an increase of fortune to
 a few shipmasters of New England. I shall greatly
 regret on account of the Americans, should Spain
 enter into war without a convention with them.”¹

The interview lasted from eight o'clock in the evening till an hour after midnight; but the hearers of Gérard would not undertake to change the opinion of congress: and the result was, therefore, a new interview on the twelfth of July between him and that body in committee of the whole. Of the committee on foreign affairs, eight accepted the French policy. Jay, with other members, gained over votes from the “Anti-Gallican” side; and, after long debates and many divisions, the question of the fisheries was reserved to find its place in a future treaty of commerce with Great Britain. The proposition to stipulate a right to them in the treaty of peace was indefinitely postponed by the votes of eight states against New Hampshire, Massachusetts, Rhode Island, and Pennsylvania; Georgia alone being absent.

July
12.

The French minister desired to persuade congress to be willing to end the war by a truce, after the precedents of the Swiss cantons and the United

¹ Gérard to Vergennes, 14 July, 1779.

CHAP. IX. Netherlands. Burke, of North Carolina, seconded
 1779. by Duane, of New York, wished no more than that
 independence should be tacitly acknowledged; but
 congress required that, previous to any treaty of
 peace, the independence of the United States should,
 on the part of Great Britain, be "assured."

Further; Gérard wished America to bring about
 the accession of Spain to the alliance by trusting
 implicitly to the magnanimity of the Spanish king;
 otherwise, he said, "you will prevent his Catholic
 majesty from joining in our common cause, and from
 completing the intended triumvirate." But congress
 was not ready to give up the navigation and left bank
 of the Mississippi. It therefore escaped from an im-
 mediate decision by resolving to send a plenipoten-
 tiary of its own to Spain.

The minister to be chosen to negotiate a peace was,
 by a unanimous vote, directed to require "Great
 Britain to treat with the United States as sovereign,
 free, and independent,"¹ and the independence was
 to be effectually confirmed by the treaty of peace.
 Nova Scotia was desired; but the minister might
 leave the north-eastern boundary "to be adjusted
 by commissioners after the peace." The guarantee
 of an equal common right to the fisheries was de-
 clared to be of the utmost importance, but was not
 made an ultimatum, except in the instructions for
 the treaty of commerce with England. At the same
 time the American minister at the court of France
 was instructed to concert with that power a mutual
 guarantee of their rights in the fisheries as enjoyed
 before the war.

¹ Secret Journals, ii. 225.

The plan for a treaty with Spain lingered a month longer. On the seventeenth of September, congress offered to guarantee to his Catholic majesty the Floridas, if they should fall into his power, "provided always that the United States shall enjoy the free navigation of the Mississippi, into and from the sea."¹ The great financial distress of the states was also to be made known to his Catholic majesty, in the hope of a subsidy or a guarantee of a loan to the amount of five millions of dollars.²

CHAP.
IX.
1779.
Sept.
17.

On the twenty-sixth of September, congress proceeded to ballot for a minister to negotiate peace; John Adams being nominated by Laurens, of South Carolina, while Smith, of Virginia, proposed Jay, who was the candidate favored by the French minister. On two ballots no election was made. A compromise reconciled the rivalry; Jay, on the twenty-seventh, was elected envoy to Spain. The civil letter in which Vergennes bade farewell to John Adams on his retiring from Paris was read in congress in proof that he would be most acceptable to the French ministry; and, directly contrary to its wishes, he was chosen to negotiate the treaty of peace as well as an eventual treaty of commerce with Great Britain.

26.

27.

¹ Secret Journals, ii. 249.

² Ibid., ii. 263.

CHAPTER X.

THE WAR IN THE NORTHERN DEPARTMENT.

1779.

CHAP.
X.

1779.

WHILE congress employed the summer in debates on the conditions of peace, the compulsory inactivity of the British army at the north encouraged discontent and intrigues. There rose up in rivalry with Clinton a body styling themselves "the loyal associated refugees," who were impatient to obtain an independent organization under Tryon and William Franklin. Clinton wrote that his resources were insufficient for active operations: the refugees insisted that more alertness would crush the rebellion; they loved to recommend the employment of hordes of savages, and to prepare for confiscating the property of wealthy rebels by their execution or exile.

The Virginians, since the expulsion of Lord Dunmore, free from war within their own borders, were enriching themselves by the unmolested culture of tobacco, which was exported through the Chesapeake; or, when that highway was unsafe, by a short land

carriage to Albemarle Sound. On the ninth of May, two thousand men under General Matthew, with five hundred marines, anchored in Hampton Roads. The next day, after occupying Portsmouth and Norfolk, they burned every house but one in Suffolk county, and plundered or ruined all perishable property. The women and unarmed men were given over to violence and death. Parties from a sloop of war and privateers entered the principal waters of the Chesapeake, carried off or wasted stores of tobacco heaped on their banks, and burned the dwellings of the planters. Before the end of the month, the predatory expedition, having destroyed more than a hundred vessels, arrived at New York with seventeen prizes, and three thousand hogsheads of tobacco.

CHAP.
X.
1779
May
9.

The legislature of Virginia, which was in session at Williamsburg during the invasion, retaliated by confiscating the property of British subjects within the commonwealth. An act of a previous session had directed debts due to British subjects to be paid into the loan office of the state. To meet the public exigencies, a heavy poll-tax was laid on all servants or slaves, as well as a tax payable in cereals, hemp, inspected tobacco, or the like commodities; and the issue of one million pounds in paper money was authorized. Every one who would serve at home or in the continental army during the war was promised a bounty of seven hundred and fifty dollars, an annual supply of clothing, and one hundred acres of land at the end of the war; pensions were promised to disabled soldiers and to the widows of those who should find their death in the service; half-pay for life was voted to the officers. Each division of the

CHAP. militia was required to furnish for the service one
 X. able-bodied man out of every twenty-five, to be
 1779. drafted by fair and impartial lot.¹
 May.

The law defining citizenship will be elsewhere explained; the code in which Jefferson, Wythe, and Pendleton adapted the laws of Virginia to reason, the welfare of the whole people, and the republican form of government, was laid before the legislature. The law of descents abolished the rights of primogeniture, and distributed real as well as personal property, equally among brothers and sisters. The punishment of death was forbidden, except for treason and murder. A bill was brought in to organize schools in every county, at the expense of its inhabitants, in proportion to the general tax-rates; but in time of war, and in the scattered state of the inhabitants, it was not possible to introduce a thorough system of universal education.

The preamble to the bill for establishing religious freedom, drawn by Jefferson, expressed the ideas of America: "that belief depends not on will, but follows evidence; that God hath created the mind free; that temporal punishment or civil incapacitations only beget hypocrisy and meanness; that the impious endeavor of fallible legislators and rulers to impose their own opinions on others hath established and maintained false religions; that to suffer the civil magistrate to intrude his powers into the field of opinion destroys all religious liberty; that truth is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and

¹ Hening, x. 82.

debate: errors ceasing to be dangerous when it is permitted freely to contradict them." CHAP.
X.
1779.

It was therefore proposed to be enacted by the general assembly: "No man shall be compelled to frequent or support any religious worship, place, or ministry, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his belief; but all men shall be free to profess, and by argument to maintain, their opinion in matters of religion; and the same shall in no wise diminish, enlarge, or affect their civil capacities. And we do declare that the rights hereby asserted are of the natural rights of mankind."¹

These enunciations of Jefferson on the freedom of conscience expressed the forming convictions of the people of the United States; the enactment was delayed that the great decree, which made the leap from an established church to the largest liberty of faith and public worship, might be adopted with all the solemnity of calm and careful deliberation and popular approval. Who would wish that a state which used its independent right of initiating and establishing laws by abolishing the privileges of primogeniture, by cutting off entails, by forbidding the slave-trade, and by presenting the principle of freedom in religion as the inherent and inalienable possession of spiritual being, should have remained without the attribute of original legislation?

The British expedition to the Chesapeake, after its return to New York, joined a detachment conducted by Clinton himself forty miles up the Hudson

May
30.

¹ Randall's Jefferson, i. 219, 220.

CHAP. to gain possession of Stony Point and Verplanck's
 X. Point. The garrison withdrew from their unfinished
 1779. work at Stony Point. The commander at Verplanck's
 June Point, waiting to be closely invested by water, on the
 2. second of June made an inglorious surrender.¹ The
 British fortified and garrisoned the two posts which
 commanded King's ferry, and left the Americans no
 line of communication between New York and New
 Jersey, south of the highlands.

A pillaging expedition, sent to punish the patriot-
 ism of Connecticut, was intrusted to Tryon. The
 fleet and transports arrived off New Haven; and, at
 July two in the morning of the fifth of July, one party
 5. landed suddenly on the west of the town, another
 on the east. Everything was abandoned to plunder:
 vessels in the harbor, public stores, and the ware-
 houses near the sound, were destroyed by fire. The
 6. soldiers, demoralized by license, lost all discipline,
 and the next morning retired before the Connecticut
 militia, who left them no time to execute the inten-
 tion of General Smith to burn the town. At East
 Haven, where Tryon commanded, dwelling-houses
 were fired, and cattle wantonly killed; but his troops
 were in like manner driven to their ships. Some
 unarmed inhabitants had been barbarously mur-
 dered, others carried away as prisoners. The British
 ranks were debased by the large infusion of con-
 victs and vagabonds recruited from the jails of Ger-
 many.

7. On the afternoon of the seventh, the expedition
 landed near Fairfield. The village, a century and a
 quarter old, situated near the water with a lovely

¹ Moore's Diary, ii. 163, 164.

country for its background, contained all that was best in a New England community, — a moral, well-educated, industrious people; modest affluence; well-ordered homes; many freeholders as heads of families; all of unmixed lineage, speaking the language of the English bible. Early puritanism had smoothed its rugged features under the influence of a region so cheerful and benign; and an Episcopal church, that stood by the side of the larger meeting-house, proved their toleration. A parish so prospering, with inhabitants so cultivated, had not in that day its parallel in England. The husbandmen who came together were too few to withstand the unforeseen onslaught. The Hessians were the first who were let loose to plunder, and every dwelling was given up to be stripped. Just before the sun went down, the firing of houses began, and was kept up through the night with little opposition, amidst the vain “cries of distressed women and helpless children.”¹ Early the next morning the conflagration was made general. When at the return of night the retreat was sounded, the rear-guard, composed of Germans, set in flames the meeting-house and every private habitation that till then had escaped. At Green Farms, a meeting-house and all dwellings and barns were consumed.

CHAP.
X.1779.
July
7.

8.

On the eleventh, the British appeared before Norwalk, and burned its houses, barns, and places of public worship. Sir George Collier and Tryon, the British admiral and general, in their address to the inhabitants of Connecticut, said: “The existence of a single habitation on your defenceless coast ought

11.

¹ Writings of Washington, ed. Sparks, vi. 367.

CHAP. X. } to be a constant reproof to your ingratitude.”¹ The
 1779. } British had already lost nearly a hundred and fifty
 July. } men, but the survivors were gorged with plunder.

The town of New London was selected as the next victim; but Tryon was recalled to New York by a disaster which had befallen the British. No sooner had they strongly fortified themselves at Stony Point, than Washington, after ascertaining exactly the character of their works, formed a plan for carrying them by surprise. Wayne, of whom he made choice to lead the enterprise, undertook the perilous office with alacrity, and devised improvements in the method of executing the design.

Stony Point, a hill just below the highlands, projects into the Hudson, which surrounds three-fourths of its base; the fourth side was covered by a marsh over which there lay but one pathway; where the road joined the river, a sandy beach was left bare at low tide. The fort, which was furnished with heavy ordnance and garrisoned by six hundred men, crowned the hill. Half-way between the river and the fort there was a double row of abattis. Breastworks and strong batteries could rake any column which might advance over the beach and the marsh. From the river, vessels of war commanded the foot of the hill. Conducting twelve hundred chosen men in single file over mountains and through morasses and narrow passes, Wayne halted them at a distance of a mile and a half from the enemy, while with the principal officers he reconnoitred the works. About twenty minutes after twelve on the morning of the sixteenth, the assault began, the troops placing their sole de-

¹ Moore's Diary, ii. 190, note.

pendence on the bayonet. Two advance parties of twenty men each, in one of which seventeen out of the twenty were killed or wounded, removed the abattis and other obstructions. Wayne, leading on a regiment, was wounded in the head, but, supported by his aids, still went forward. The two columns, heedless of musketry and grape-shot, gained the centre of the works nearly at the same moment. On the right Fleury struck the enemy's standard with his own hand, and was instantly joined by Stewart, who commanded the van of the left. British authorities declare that the Americans "would have been fully justified in putting the garrison to the sword;" but continental soldiers scorned to take the lives of a vanquished foe begging for mercy, and "not one man was put to death but in fair combat." Of the Americans, but fifteen were killed; of the British, sixty-three; and five hundred and forty-three officers and privates were made prisoners. The war was marked by no more brilliant achievement.

CHAP.
X.
1779.
July.
16.

The diminishing numbers of the troops with Washington not permitting him to hold Stony Point, the cannon and stores were removed and the works razed. Soon afterwards the post was reoccupied, but only for a short time, by a larger British garrison.

The enterprising spirit of Major Henry Lee, of Virginia, had already been applauded in general orders; and his daring proposal to attempt the fort at Paulus' Hook, now Jersey city, obtained the approval of Washington. The place was defended by a ditch, which made of it an island, and by lines of abattis, but was carelessly guarded. The party with Lee was undiscovered, until, in the morning of

CHAP. the nineteenth of August before day, they plunged
 X. into the canal, then deep from the rising tide. Find-
 1779. ing an entrance into the main work, and passing
 Aug. through a fire of musketry from block-houses, they
 19 gained the fort before the discharge of a single piece
 of artillery. This they achieved within sight of New
 York, and almost within the reach of its guns. After
 day-break they withdrew, taking with them one hun-
 dred and fifty-nine prisoners.

Moved by the massacres of Wyoming and Cherry
 Valley, congress, on the twenty-fifth of February,
 had directed Washington to protect the inland fron-
 tier and chastise the Seneca Indians. Of the two
 natural routes to their country, both now traversed
 by railroads, that of the Susquehanna was selected
 for three thousand men of the best continental troops,
 who were to rally at Wyoming; while one thousand
 or more of the men of New York were to move from
 the Mohawk river.

Before they could be ready, a party of five or six
 hundred men, led by Van Schaick and Willet, made
 a swift march of three days into the country of the
 Onondagas, and, without the loss of a man, destroyed
 their settlement.

May. The great expedition was more tardy. Its com-
 mand, which Gates declined, devolved on Sullivan,
 to whom Washington in May gave repeatedly the
 instruction: "Move as light as possible even from
 the first onset. Should time be lost in transporting
 the troops and stores, the provisions will be con-
 sumed, and the whole enterprise may be defeated.
 Reject every article that can be dispensed with; this
 is an extraordinary case, and requires extraordinary

attention.”¹ Yet Sullivan made insatiable demands on the government of Pennsylvania. CHAP.
X.
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While he was wasting time in finding fault and writing strange theological essays, the British and Indian partisans near Fort Schuyler surprised and captured twenty-nine mowers. Savages under Macdonell laid waste the country on the west bank of the Susquehanna, till “the Indians,” by his own report, “were glutted with plunder, prisoners, and scalps.” Thirty miles of a closely settled country were burned. Brandt and his crew consumed with fire all the settlement of Minisink, one fort excepted. Over a party of a hundred and fifty men, by whom they were pursued, they gained the advantage, taking more than forty scalps² and one prisoner. 1779.

The best part of the season was gone when Sullivan, on the last of July, moved from Wyoming. His arrival at Tioga sent terror to the Indians. Several of their chiefs said to Colonel Bolton in council: “Why does not the great king, our father, assist us? Our villages will be cut off, and we can no longer fight his battles.”³ July.

On the twenty-second of August, the day after he was joined by New York troops under General James Clinton, Sullivan began his march up the Tioga into the heart of the Indian country. On the same day, Little David, a Mohawk chief, delivered a message from himself and the Six Nations to Haldimand, then governor of Canada: “Brother! for these three years past the Six Nations have been running a race against Aug.
22.

¹ Washington to Sullivan, Middlebrook, 31 May, 1779. ² Brandt to Bolton, 29 July, 1779.

³ Bolton to Haldimand, 16 Aug., 1779.

CHAP. fresh enemies, and are almost out of breath. Now
 X. we shall see whether you are our loving strong
 1779. brother, or whether you deceive us. Brother! we
 are still strong for the king of England, if you will
 show us that he is a man of his word, and that he
 will not abandon his brothers, the Six Nations.”¹

The savages ran no risk of a surprise; for, during
 all the expedition, Sullivan, who delighted in the van-
 ities of command, fired a morning and evening gun.
 Aug. On the twenty-ninth he opened a distant and useless
 29. cannonade against breastworks which British rangers
 and men of the Six Nations—in all about eight hun-
 dred—had constructed at Newtown; and they took
 the warning to retire before a party which was sent
 against them could strike them in the rear.

The march into the country of the Senecas on the
 left extended to Genesee; on the right, detachments
 reached Cayuga lake. After destroying eighteen
 villages and their fields of corn, Sullivan, whose army
 had suffered for want of supplies, returned to New
 Jersey. Meantime, a small party from Fort Pitt,
 under command of Colonel Brodhead, broke up the
 towns of the Senecas upon the upper branch of the
 Alleghany. The manifest inability of Great Britain
 to protect the Six Nations inclined them at last to
 desire neutrality.

June. In June the British general Maclean, who com-
 manded in Nova Scotia, established a British post of
 six hundred men at what is now Castine, on Penob-
 scot bay. To dislodge the intruders, the Massachu-

¹ The message of Little David, (General Haldimand), Carleton
 a Mohawk chief, from himself and Island, 22 Aug., 1779.
 the Six Nations to Assaragawa

setts legislature sent forth nineteen armed ships, sloops, and brigs; two of them continental vessels, the rest privateers or belonging to the state. The flotilla carried more than three hundred guns, and was attended by twenty-four transports, having on board nearly a thousand men. So large an American armament had never put to sea. A noble public spirit roused all the towns on the coast, and they spared no sacrifice to ensure a victory. But the troops were commanded by an unskilled militia general; the chief naval officer was self-willed and incapable. Not till the twenty-fifth of July did the expedition enter Penobscot bay. The troops, who on the twenty-eighth gallantly effected their landing, were too weak to carry the works of the British by storm; the commodore knew not how to use his mastery of the water; and, while a re-enforcement was on the way, on the fourteenth of August Sir George Collier arrived in a sixty-four gun ship, attended by five frigates. Two vessels of war fell into his hands; the rest and all the transports fled up the river, and were burned by the Americans themselves who escaped through the woods. The British were left masters of the country east of the Penobscot.

Yet, notwithstanding this signal disaster, the main result of the campaign at the north promised success to America. For want of re-enforcements, Clinton had evacuated Stony Point and Rhode Island. All New England, west of the Penobscot, was free from an enemy. In western New York the Senecas had learned that the alliance with the English secured them gifts, but not protection. On the Hudson river the Americans had recovered the use of King's ferry,

CHAP.
X.1779.
June.July
25.

28.

Aug.
14.

CHAP. and held all the country above it. The condition of
X. the American army was indeed more deplorable than
1779. ever. The winter set in early and with unwonted severity. Before the middle of December, and long before log huts could be built, the snow lay two feet deep in New Jersey, where the troops were cantoned; so that they saved themselves with difficulty from freezing by keeping up large fires. Continental money was valued at no more than thirty for one, and even at that rate the country people took it unwillingly. The credit of congress being exhausted, there could be no regularity in supplies. Sometimes the army was five or six days together without bread; at other times as many without meat; and, once or twice, two or three days without either. It must have been disbanded, but that such was the honor of the magistrates of New Jersey, such the good disposition of its people, that the requisitions made by the commander-in-chief on its several counties were punctually complied with, and in many counties exceeded. For many of the soldiers, the term of service expired with the year; and shorter enlistments, by which several states attempted to fill their quotas, were fatal to compactness and stability. Massachusetts offered a bounty of five hundred dollars to each of those who would enlist for three years or the war, and found few to accept the offer. The Americans wanted men and wanted money, and yet could not be subdued. An incalculable strength lay in reserve in the energy of the states and of their citizens individually. Though congress possessed no power of coercion, there could always be an appeal to the militia, who were the

CHAP.
X.

1779.

people themselves; and their patriotism, however it might seem to slumber, was prepared to show itself in every crisis of danger. The buoyancy of hope, and the readiness to make sacrifices for the public good, were never lost; and neither congress nor people harbored a doubt of their ultimate triumph. All accounts agree that, in the coldest winter of the century, the virtue of the army was put to the severest trial; and that their sufferings for want of food, and of clothes and blankets, were borne with the most heroic patience.

In this hour of affliction, Thomas Pownall, a member of parliament, who, from observation and research and long civil service in the central states and as governor of Massachusetts, knew the United States as thoroughly as any man in Britain, published in England, in the form of a memorial to the sovereigns of Europe, these results of his experience:—

1780.
Jan.

“The present crisis may be wrought into the greatest blessing of peace, liberty, and happiness, which the world hath ever yet experienced.” “The system of establishing colonies in various climates, to create a monopoly of the peculiar product of their labor, is at end.” “It has advanced, and is every day advancing, with a steady and continually accelerating motion, of which there has never yet been any example in Europe.” “Nature hath removed her far from the old world and all its embroiled interests and wrangling politics, without an enemy, or a rival, or the entanglement of alliances.” “This new system has taken its equal station with the nations upon earth.” “Negotiations are of no consequence, either

CHAP. to the right or the fact." "The independence of
 X. America is fixed as fate."

1780. "The government of the new empire of America
 Jan. is liable, indeed, to many disorders; but it is young and strong, and will struggle by the vigor of internal healing principles of life against those evils, and surmount them. Its strength will grow with its years, and it will establish its constitution."

"Whether the West Indies are naturally parts of this North American communion, is a question of curious speculation, but of no doubt as to the fact. The European maritime powers may by force, perhaps for an age longer, preserve the dominion of these islands. The whole must in the course of events become parts of the great North American dominion."

"The continent of South America is much further advanced to a natural independence of Europe as to its state of supply, than the powers of Europe or its own inhabitants are conscious of." "Whatever sovereignty the Spanish monarch holds is a mere tenure at good-will. South America is growing too much for Spain to manage: it is in power independent, and will be so in act as soon as any occasion shall call forth that power."

"In North America, the civilizing activity of the human race forms the growth of state." "In this new world we see all the inhabitants not only free, but allowing an universal naturalization to all who wish to be so." "In a country like this, where every man has the full and free exertion of his powers, an unabated application and a perpetual struggle sharpens the wits, and gives constant training to the mind."

“The acquirement of information gives the mind thus exercised a turn of inquiry and investigation, which forms a character peculiar to these people. This inquisitiveness; which, when exerted about trifles, goes even to a degree of ridicule, is yet in matters of business and commerce most useful and efficient. Whoever has viewed these people in this light will consider them as animated with the spirit of the new philosophy. Their system of life is a course of experiments; and, standing on that high ground of improvement up to which the most enlightened parts of Europe have advanced, like eaglets they commence the first efforts of their pinions from a towering advantage.”

CHAP.
X
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1780.
Jan.

“America is peculiarly a poor man’s country. The wisdom and not the man is attended to. In this wilderness of woods the settlers move but as nature calls forth their activity.” “They try experiments, and the advantages of their discoveries are their own. They supply the islands of the West Indies, and even Europe itself. The inhabitants, where nothing particular directs their course, are all land-workers. One sees them laboring after the plough, or with the spade and hoe, as though they had not an idea beyond the ground they dwell upon; yet is their mind all the while enlarging all its powers, and their spirit rises as their improvements advance. This is no fancy drawing of what may be: it is an exact portrait of what actually exists. Many a real philosopher, a politician, a warrior, emerge out of this wilderness, as the seed rises out of the ground where it hath lain buried for its season.”

“In agriculture, in mechanic handicrafts, the

CHAP. new world hath been led to many improvements of
X. implements, tools, and machines, leading experience
1780. by the hand to many a new invention. This spirit
Jan. of thus analyzing the mechanic powers hath established a kind of instauration of science in that branch. The settlers find fragments of time in which they make most of the articles of personal wear and household use for home consumption. Here, no laws frame conditions on which a man is to exercise this or that trade. Here, no laws lock him up in that trade. Here are no oppressing, obstructing, dead-doing laws. The moment that the progress of civilization is ripe for it, manufactures will grow and increase with an astonishing exuberancy."

"The same ingenuity is exerted in ship-building. Thus their commerce hath been striking deep root." "The nature of the coast and of the winds renders marine navigation a perpetually moving intercourse of communion; and the nature of the rivers renders inland navigation but a further process of that communion; all which becomes, as it were, a one vital principle of life, extended through a one organized being, one nation." "Will that most enterprising spirit be stopped at Cape Horn, or not pass the Cape of Good Hope? Before long they will be found trading in the South Sea, in Spice Islands, and in China."

"This fostering happiness in North America doth produce progressive population. They have increased nearly the double in eighteen years."

"Commerce will open the door to emigration. By constant intercommunion, America will every day approach nearer and nearer to Europe." "Unless

the great potentates of Europe can station cherubim at every avenue with a flaming sword that turns every way, to prevent man's quitting this old world, multitudes of their people, many of the most useful, enterprising spirits, will emigrate to the new one. Much of the active property will go there also."

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1780
Jan.

"North America is become a new primary planet, which, while it takes its own course in its own orbit, must shift the common centre of gravity."

"Those sovereigns of Europe, who shall find this new empire crossing all their settled maxims and accustomed measures, will call upon their ministers and wise men: 'Come, curse me this people, for they are too mighty for me.' These statesmen will be dumb, but the spirit of truth will answer: 'How shall I curse whom God hath not cursed.'"

"Those sovereigns of Europe, who shall call upon their ministers to state to them things as they really do exist in nature, shall form the earliest, the most sure and natural connection with North America, as being, what she is, an independent state." "The new empire of America is like a giant ready to run its course. The fostering care with which the rival powers of Europe will nurse it, ensures its establishment beyond all doubt or danger."

So prophesied Pownall to the English world and to Europe in the first month of 1780. Since the issue of the war is to proceed in a great part from the influence of European powers, it behooves us now to study the course of their intervention.

CHAPTER XI.

PROGRESS OF THE WAR IN EUROPE.

1779.

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1779.

FREDERIC of Prussia had raised the hope that he would follow France in recognising the independence of the United States; but the question of the Bavarian succession, of which the just solution also affected the cause of human progress, compelled him to stand forth as the protector of his own dominions against mortal danger, and as the champion of Germany; so that in his late old age, broken as he was in everything but spirit, he joined with Saxony to stay the aggressions of Austria on Bavarian territory. "At this moment," wrote he to his envoys, "the affairs of England with her colonies disappear from my eyes." To William Lee, who in March, 1778, importuned his minister Schulenburg for leave to reside at Berlin as an American functionary, he minuted this answer: "We are so occupied with Germany that we cannot think of the Americans: we should be heartily glad to recognise them; but at this pres-

1778.

ent moment it could do them no good, and to us might be very detrimental.”

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XI.

The unseasonable importunities of Lee in the year of war continued till he was dismissed from office by congress. Their effect was only to make Frederic more reserved. From his camp he always put them aside, yet with gentleness and caution. He could not receive the prizes of the Americans at Emden, because he had no means to protect the harbor against aggression: they might purchase in his dominions munitions of war; and their merchants would be received in his ports on the same terms as the merchants of all other countries.

Meantime the British ministry, abandoning the scheme of destroying Prussian influence at Petersburg, sought rather to propitiate Frederic, as the best means of gaining favor in Russia; and authorized its minister at Berlin to propose an alliance. But Frederic saw that the influence which had ruled England in 1762 was still paramount, and that the offers of friendship were insincere. “I have no wish to dissemble,” so he answered in January, 1778; “whatever pains may be taken, I will never lend myself to an alliance with England. I am not like so many German princes, to be gained by money. My unalterable principle is, not to contract relations with a power which, like England in the last war, has once deceived me so unworthily.”¹

Nevertheless the British cabinet persisted in seeking aid from Russia and the friendship of the king

¹ Frederic to Maltzan, 20 Jan., 1778, and *Ibid.*, private and secret, 1778; Elliot to Suffolk, 22 Feb., of same date.

CHAP. of Prussia.¹ But from Petersburg Harris wrote:
 XI. "They never will be brought to subscribe to any
 1778. stipulations in favor of our contest with the colonies." "Our influence, never very high, has quite vanished."² Frederic relented so far as to allow a few recruits for the English army to pass through his dominions; and as a German prince he let it be known that he would save Hanover from French aggression; but proposals for closer relations with England were inflexibly declined. "He is hostile," wrote Suffolk,³ "to that kingdom to whose liberal support in the last war he owes his present existence amongst the powers of Europe;" and the British ministry of that day looked upon the aid which he had received in the time of the elder Pitt as a very grave mistake.⁴ Prussia should have been left to perish.

Through his minister in France, Frederic sent word to Maurepas and Vergennes: "All the pains which the king of England may take to make an alliance with me will be entirely thrown away. The interests of the state and my own views turn in another direction."⁵ "Peace is as dear and precious to me as to the ministry of Versailles; but as nothing less is at stake than the liberty and constitutions of all the Germanic body, I, one of their principal bulwarks, should fail in duty as an elector if I were willing to acquiesce in the despotism of Austria. Rather than be guilty of such weakness, I should

¹ Suffolk to Elliot, 7 April, 1778.

² Harris to Suffolk, 2 Feb., and 8 Jan., 1781.

to Sir I. Yorke, 1 May, 1778.

³ Suffolk to Harris, 9 Jan., 1778.

⁴ Report of Count Belgiojoso,

8 Jan., 1781.

⁵ Frederic to Maltzan, 22 Jan.,

1779.

prefer eternal war to peace.”¹ “Now is the moment,” he warned his minister, “to exert all your power: the deaf must hear; the blind see; the lethargic wake up.”² “Last year,” he continued, “I saw that France could not avoid war with England; I offer my vows for the success of the French;”³ and he added in his own hand: “The Austrians wish openly to subjugate the empire, abolish the constitutions, tyrannize the liberty of voices, and establish their own absolute and unlimited power on the ruins of the ancient government. Let him who will, bear such violences: I shall oppose them till death closes my eyes.”⁴ Since France would not fulfil her guarantee of the peace of Westphalia, Frederic desired at least a formal and positive assurance of her neutrality. “As to the French ministers,” said he, “I admire their apathy; but if I were to imitate it, I should surely be lost.”⁵ The queen of France besought her husband even with tears to favor the designs of the court of Vienna, and bitterly complained that neutrality had been promised by his cabinet; but the king turned aside her entreaties, remarking that these affairs ought never to become the subject of their conversation. The interference made the ministry more dissembling and more inflexible. For himself, Louis the Sixteenth had no partiality for Austria, and Maurepas retained the old traditions of the French monarchy. Moreover, he was willing to see Prussia and Austria enfeeble each other, and

CHAP.
XI.

1778.

¹ Frederic to Goltz, 9 Feb., 1778.⁴ Frederic to Goltz, 27 Feb., 1778.² Ibid., 11 Feb., 1778.³ Ibid., 27 Feb., 1778.⁵ Ibid., 22 March, 1778.

CHAP. exhibit to the world France in the proud position of
XI. arbiter between them.

1779. The promptness with which Frederic interposed for the rescue of Bavaria, his disinterestedness, the fact that he had justice as well as the laws of the empire on his side, and his right by treaty to call upon his ally, Russia, for aid, enabled him under the mediation of France and Russia to bring his war with Austria to an end, almost before France and Spain had come to an understanding.

Joseph of Austria, like Frederic, had liberal aspirations, but with unequal results. The one was sovereign over men substantially of one nationality. The other was a monarch not only over Germans, but over men of many languages and races. Frederic acted for and with his people; and what he accomplished was sure to live, for it had its root in them. The reforms of Joseph were acts of power which had their root only in his own mind, were never identified with his subject nations, and therefore, for the most part, had not a life even as long as his own. Frederic bounded his efforts by his means; Joseph, by his desires. Frederic attempted but one thing at once, and for that awaited the favoring moment: the unrest of Joseph stirred up every power to ill wishes by seeking to acquire territory alike from German princes, in Italy, on the coast of the Adriatic, and on the Danube; and he never could abide his opportunity, and never confine himself to one enterprise long enough for success. He kept up, at least in name, his alliance with France; while he inclined to the ancient connection of the Hapsburgs with England, and was pleased at the in-

significance of the successes of the Bourbons. Vergennes, on the other side, aware of his insincerity, pronounced Austria to be in name an ally, in fact a rival.¹ Austria and Prussia resumed their places among European powers, each to have an influence on American affairs: the former to embarrass the independence of the United States; the latter to adopt the system of neutrality, just when that system could benefit them most. The benefit, however, came not from any intention of Frederic to subordinate the interests of his own dominions to those of a republic in another hemisphere, but from the coincidence of the interests of the two new powers.

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With the restoration of peace, Austria and Russia contested the honor of becoming mediators between the Bourbons and England. Their interference was desired by neither party; yet both France and England were unwilling to wound the self-love of either of them. Austria, though the nominal ally of France, excluded the question of American independence; on the contrary, Catharine, in whose esteem Fox and the English liberal party stood higher than the king and the ministry, inclined to propositions friendly to America. Maria Theresa, who truly loved peace, was the first to declare herself. On the fifteenth of May she wrote in her own hand to Charles the Third of Spain, in the hope still to be able to hold him back from war; and she sent a like letter to her son-in-law at Versailles. Kaunitz followed with formal proposals of mediation to France and England. In an autograph letter the king of Spain put aside the in-

¹ Compare Vergennes to Montmorin, 21 Sept., 1779. maison d'Autriche, notre alliée de nom, et notre rivale de fait."

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 June 16.
 interference of the empress under the plea, that the conduct of England had made his acceptance of it inconsistent with his honor; and on the sixteenth of June, between twelve and one o'clock, his ambassador in London delivered to Lord Weymouth a declaration of war; but neither there nor in his manifesto was there one word relating to the war in America. Now that Great Britain, without a single ally, was to confront Spain and France and the United States, no man showed more resoluteness than its king. He was impatient at the "over-caution" of his admirals, and sought to breathe his own courage into his ministers.

Spain stood self-condemned; for an offer of mediation implies impartiality, and her declaration of war showed the malice of a pre-determined enemy. In reply to that declaration, Burke, Fox, and their friends joined in pledging the house of commons and the nation to the support of the crown. Fifty thousand troops defended the coasts, and as many more of the militia were enrolled to repel invasion. The oscillation of the funds did not exceed one per cent. But opinion more and more condemned the war of England with her children, denied to parliament the right of taxing unrepresented colonies, and prepared to accept the necessity of recognising their independence. In the commons, Lord John Cavendish, true to the idea of Chatham, moved for orders to withdraw the British forces employed in America; to the lords, the Duke of Richmond proposed a total change of measures in America and Ireland; and both were supported by increasing numbers. The great land-owners were grown sick of taxing America. Lord

North was frequently dropping hints to the king, that the advantage to be gained by continuing the contest would never repay the expenses; and the king, though unrelenting in his purpose of reducing the colonies to obedience, owned that the man who should approve the taxing of them in connection with all its consequences was more fit for a mad-house than for a seat in parliament.

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On the twenty-first of June he summoned his ministers to his library,¹ and, at a table at which all were seated, he expressed to them in a speech of an hour and a half "the dictates of his frequent and severe self-examination." Inviting the friends of Grenville to the support of the administration, he declared his unchanging resolution to carry on the war against America, France, and Spain. Before he would hear of any man's readiness to come into office, he would expect to see it signed under his hand, that he was resolved to keep the empire entire, and that consequently no troops should be withdrawn from America nor its independence ever be allowed. "If his ministers would act with vigor and firmness, he would support them against wind and tide." Yet the ministry was not united; and, far from obtaining recruits from the friends of Grenville, it was about to lose its members of the Bedford connection. And his chief minister, cowering before the storm, and incapable of forming a plan for the conduct of the war, repeatedly offered his resignation, as an excuse

June
21.

¹ On this interview of the king with his ministers, the authorities are: Maltzan to Frederic, 29 June, 1779; King to Lord North, 21 and 22 June, 1779; in *Donne*, ii. 260,

262; Under-Secretary Knox, *Considerations on the Present State of the Nation*, 53; *Letter to Jenkinson*, 9, 10; *Almon's Anecdotes*, ii. 102.

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for remaining in office without assuming the proper responsibility of his station. Confiding in the ruin of the American finances and in recruiting successfully within the states, the king was certain that, but for the intervention of Spain, the colonies would have sued to the mother country for pardon; and "he did not despair that, with the activity of Clinton and the Indians in their rear, the provinces would even now submit." But his demands for an unconditional compliance with his American policy riveted every able statesman in a united opposition. He had no choice of ministers but among weak men. So the office made vacant by the death of Lord Suffolk, the representative of the Grenville party, was reserved for Hillsborough. "His American sentiments," said the king, "make him acceptable to me." Yet it would have been hard to find a public man more ignorant or more narrow; more confused in judgment or faltering in action; nor was he allowed to take his seat till Weymouth had withdrawn.

To unite the house of Bourbon in the war, France had bound herself to the invasion of England. True to her covenant, she moved troops to the coasts of Normandy and Brittany, and engaged more than sixty transport vessels of sixteen thousand tons' burden. The king of Spain would not listen to a whisper on the hazard of the undertaking, for which he was to furnish no contingent, and only the temporary use of twenty ships to help in crossing the channel. Florida Blanca, who dared not dispute his unreasoning impatience, insisted on an immediate descent on England without regard to risk. Vergennes, on the other hand, held the landing of a

French army in England to be rash, until a naval victory over the British should have won the dominion of the water.

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The fitting out of the expedition had been intrusted to Sartine, the marine minister, and to d'Orvilliers, its commander. Early in June the French fleet of thirty-one ships of the line yielded to Spanish importunities; and, before they could be ready with men or provisions, put to sea from Brest; and yet they were obliged to wait off the coast of Spain for the Spaniards. After a great loss of time in the best season of the year, a junction was effected with more than twenty ships of war under the separate command of Count Gaston; and the combined fleet sailed for the British channel. Never before had so large a force been seen afloat; and in construction the Spanish ships were equal or superior to the English.¹ Charles of Spain pictured to himself the British escaping in terror from their houses before the invaders. King George longed to hear that Sir Charles Hardy, who had under his command more than forty ships of the line, had dared with inferior numbers to bring the new Armada to battle. "Everything," wrote Marie Antoinette, "depends on the present moment. Our fleets being united, we have a great superiority. They are in the channel, and I cannot think without a shudder that, from one moment to the next, our destiny will be decided."²

The united fleet rode unmolested by the British: Sir Charles Hardy either did not, or would not see

¹ Rodney to Lady Rodney, Gibraltar, 7 Feb., 1780.

Theresa, Versailles, 6 Aug., 1779, Ihr Briefwechsel, herausgegeben

² Marie Antoinette to Maria von A. von Arneth, 296.

CHAP. them. On the sixteenth of August they appeared
 XI. off Plymouth, but did not attack the town. After
 1779. two idle days, a strong wind drove them to the west.
 Aug. 18. Montmorin had written to Vergennes: "I hope the
 Spanish marine will fight well; but I should like
 it better if the English, frightened at their number,
 would retreat to their own harbors without fight-
 ing."¹ When the gale had abated, the allies rallied,
 returned up the channel, and the British retreated
 before them.

No harmony existed between the French and Spanish officers. A deadly malady ravaged the French ships and infected the Spaniards.² The combined fleet never had one chief. The French returned to port, where they remained; the Spaniards, under their independent commander, sailed for Cadiz, execrating their allies. The wrath of their admiral was so great, that he was ready to give his parole of honor never to serve against England, while he would with pleasure serve against France. It was the sentiment of them all.³

The immense preparations of the two powers had not even harmed British merchant vessels on their homeward voyages. The troops that were to have embarked for England were wasted by dysentery in their camps in Normandy and Brittany.⁴ There was a general desolation. The French public complained relentlessly of d'Orvilliers. "The doing of nothing at all will have cost us a great deal of money," wrote

¹ Montmorin to Vergennes, 30 March, 1779.

² Marie Antoinette in von Arneth, 304.

³ Rodney to Lady Rodney, Gibraltar, 7 Feb., 1780.

⁴ Marie Antoinette in von Arneth, 304.

Marie Antoinette to her mother.¹ There was nothing but the capture of the little island of Grenada for which a *Te Deum* could be chanted in Paris. Maria Theresa continued to offer her mediation, whenever it should best suit the king. "We shall feel it very sensibly if any other offer of mediation should be preferred to ours." So she wrote to her daughter, who could only answer: "The nothingness of the campaign removes every idea of peace."²

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During the attempt at an invasion of England, the allied belligerents considered the condition of Ireland. "To separate Ireland from England and form it into an independent government like that of America," wrote Vergennes, "I would not count upon the Catholics, although they form the largest and the most oppressed part of the nation. But the principle of their religion attaches them specially to the monarchical system. It is otherwise with the numerous presbyterians who inhabit the north of Ireland. Their fanaticism makes them enemies of all civil or religious authority concentrated in a chief. They aspire to nothing but to give themselves a form of government like that of the United Provinces of America."³ "It is not easy to find a suitable emissary. Irishmen enough press around me; but, being all Catholics, they have no connection except among their countrymen of their own communion, who have not energy enough to attempt a revolution. The presbyterians, being by their principles and by their characters more enterprising, more daring, more inimical to royal authority, and even more opposed to us,

¹ Von Arneth, 302.

² Von Arneth, 306.

³ Vergennes to Montmorin, 29 April, 1779.

CHAP. XI. it is to them that I ought to address myself; for if
 1779. they determine to rise, our hand will not be recognised in the work.”¹ An American was selected as the agent of France, and instructed to form close relations with the principal presbyterians, especially with the ministers. After gaining their confidence, he might offer to become their mediator with France.

The extreme and universal discontent in Ireland might imply a disposition to revolt. The French ambassador at Madrid advised Florida Blanca to send an agent to the Irish Catholics. At the same time he reported to his government wisely: “The troubles in Ireland can be regarded only as a diversion, useful by dividing the attention of England. An insurrection in Ireland cannot have success as in America.”² The emissary selected in Spain was a Catholic priest, who was promised a bishopric if he should succeed in his undertaking. He could have no success. After the first shedding of American blood in 1775, one hundred and twenty-one Irish Catholics, having indeed no formal representative authority, yet professing to speak not for themselves only, but “for all their fellow Roman Catholic Irish subjects,” had addressed the English secretary in Ireland, “in proof of their grateful attachment to the best of kings, and their just abhorrence of the unnatural American rebellion,” and had “made a tender of two millions of faithful and affectionate hearts and hands in defence of his person and government in any part of the world.”³

Vergennes learned from his agent as well as from

¹ Vergennes to Montmorin, 29 May, 1779. ² Montmorin to Vergennes, 11 June, 1779.

³ Froude's *The English in Ireland*, ii. 176.

other sources, that the Irish association aimed only to extort the concession of free trade, and was combined with readiness to oppose foreign invasion.

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“The movements of the Irish,” wrote Vergennes towards the close of the year, “are those of a people who wish to profit by circumstances to redeem themselves from oppressions; but there is no design of separating from the crown of England.” “The Irish nation seems to wish to depend on the royal prerogative alone, and to throw off the yoke of the British parliament. This is aiming at independence, not by breaking all bonds as America has done, but by making them so weak that they become precarious. The irreconcilable interests of the two peoples can but keep them in a continual state of rivalry and even of quarrel. It will be difficult for a king of Great Britain to hold the balance even; and, as the scale of England will be the best taken care of, the less-favored people will naturally tend to a complete secession. We have nothing better to do than tranquilly to watch the movement.”¹

Greater energy was displayed by Spain in her separate acts. As soon as the existence of war between that power and Great Britain was known at New Orleans, Galvez, the governor of Louisiana, drew together all the troops under his command to drive the British from the Mississippi. Their posts were protected by less than five hundred men; Lieutenant-Colonel Dickson, abandoning Manchac as untenable, sustained a siege of nine days at Baton Rouge,²

¹ Vergennes to Montmorin, 13 Nov. and 17 Dec., 1779.

² Remembrancer, 1780, i. 359-364.

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and on the twenty-first of September made an honorable capitulation. The Spaniards planned the recovery of East Florida, prepared to take the posts of Pensacola and Mobile, and captured or expelled from Honduras the British logwood cutters. In Europe their first act was the siege of Gibraltar.

Still more important were the consequences of the imperious manner in which Great Britain violated the maritime rights of neutrals, substituting its own will alike for its treaties and the law of nations. But these events, which for half a century scattered the seeds of war, need to be explained at large.

CHAPTER XII.

THE ARMED NEUTRALITY.

1778-1780.

THE immunity of neutral flags is unknown to barbarous powers. The usages of the middle ages condemned as lawful booty the property of an enemy, though under the flag of a friend; but spared the property of a friend, though under the flag of an enemy. Ships, except they belonged to the enemy, were never confiscated. When the Dutch republic took its place among the powers of the earth, crowned with the honors of martyrdom in the fight against superstition, this daughter of the sea, whose carrying trade exceeded that of any other nation, became the champion of the more humane maritime code, which protected the neutral flag everywhere on the great deep. In the year 1646, these principles were embodied in a commercial treaty between the republic and France. When Cromwell was protector, when Milton was Latin secretary, the rights of neutrals found their just place in the treaties of England, in

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CHAP. XII. 1654 with Portugal, in 1655 with France, in 1656 with Sweden. After the return of the Stuarts, they were recognised in 1674 in their fullest extent by the commercial convention between England and the Netherlands.

In 1689, after the stadholder of the United Provinces had been elected king of England, his overpowering influence drew the Netherlands into an acquiescence in a declaration that all ships going to or coming from a French port were good prizes; but it was recalled upon the remonstrance of neutral states. The rights of neutral flags were confirmed by France and England in the peace of Utrecht. The benefits of the agreement extended to Denmark, as entitled to all favors granted to other powers. Between 1604 and 1713, the principle had been accepted in nearly twenty treaties. When, in 1745, Prussian ships, laden with wood and corn, were captured on the high seas and condemned in English courts, Frederic, without a navy and even without one deep harbor, without a treaty, resting only on the law of nations, exacted full indemnity from England. The neutral flag found protection in the commercial treaty negotiated in 1766 by the Rockingham ministry with Russia, whose interests as the chief producer of hemp required the strictest definition of contraband. Of thirty-seven European treaties made between 1745 and 1780, but two have been found which contain conditions contravening neutral rights.

In 1778, after France became connected with the United States, England looked to Russia for aid, the United States to the Dutch republic for good-

will. The former, though aware of the disinclination of Russia and of Frederic, was so anxious to counterbalance the family compact of the Bourbons,¹ that it risked the proposal of an offensive and defensive alliance with them both. Count Panin, the only statesman much listened to by the empress in the discussion of foreign affairs, "was beyond the reach of corruption, and in all transactions where he moved alone, acted with integrity and honor." To the renewed overture of Harris, he frankly replied that Russia never would stipulate advantages to Great Britain in its contest with its colonies, and "never would guarantee its American dominions."²

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After the avowal by France of its treaties with the colonies, the British minister at Petersburg asked an audience of the empress; his request was refused, and all his complaints of the "court of Versailles drew from her only civil words and lukewarm expressions of friendship." But when in the summer, the "General Mifflin," an American privateer, hovered off the North Cape, and took seven or more British vessels bound for Archangel, Panin informed Harris ministerially, that although the vessels which were taken were foreign, yet it was the Russian trade which was molested; that so long as the British treated the Americans as rebels, the court of Petersburg would look upon them as a people not yet entitled to recognition. For the next year the empress proposed the equipment of a line of cruisers to ply between Revel and Archangel, for the protec-

¹ Suffolk to Harris, 9 Jan., 1778. This part of the despatch is not printed in the Malmesbury Papers. ² Harris to Suffolk, 13 Feb., 1778. Not printed in Malmesbury Papers.

CHAP. XII. tion of all ships of foreign nations coming to trade
in her dominions.

1778. Long years of peace had enriched the Netherlands by prosperous manufactures and commerce, so that they became the bankers of all nations. Their own funds, bearing but two and a half per cent interest, rose from six to ten per cent above par; but of their importance the words of Lord North were: "When the Dutch say, 'we maritime powers,' it reminds me of the cobbler who lived next door to the Lord Mayor and used to say, 'my neighbor and I.'"¹

In the American war the Dutch republic was the leading neutral power; but the honor of its flag was endangered by the defects in its constitution. Its forms of procedure made legislation dilatory, and tended to anarchy. Each of the seven provinces was represented in the states-general, which had jurisdiction over questions relating to the union; but the limit of their powers was not clearly defined. The provinces voted by states, but before the vote any state might insist on referring the subject of discussion to the several provinces, which again might consult the towns. When these delays were overcome, there still remained a doubt in what cases absolute unanimity of the states was required. The presidency changed every week, passing by turns through the several provinces. The ancient subordination of the stadholder to the king of Spain became in the republic a subordination to the states-general, on whose acts he had a veto. In the council of state, he was the first member with the right of voting, but not the president; his authority was

¹ Garnier to Vergennes, 26 July, 1776.

chiefly executive, and was greatest in the army and navy. CHAP.
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From the vast superiority of Holland in wealth and numbers, the first minister of that province, called the Grand Pensionary, had access to the states-general, as well as to the states of Holland, and was the first minister of the republic, transacting its affairs with all envoys resident at the Hague. It was very common for him to bring business in the first instance before the states of Holland, by whom it might be recommended to the states-general. To this latter body the Dutch envoys abroad addressed their despatches. 1778.

One party in the republic looked upon the states-general as embodying the sovereignty of the United Provinces; others attributed sovereignty to each state, and even to the several cities and communes.

The republic was further distracted by foreign influence. Some of its public men still lingeringly leaned on England; others longed to recover the independence of the nation by friendship with France. It would have been a happiness for the United Provinces if its stadholder had been true to them. But William the Fifth, of the house of Orange, a young, weak, and incompetent prince, without self-reliance and without nobleness of nature, was haunted by the belief that his own position was obtained and could be preserved only by the influence of Great Britain; and from dynastic selfishness he followed the counsels of that power. Nor was his sense of honor so nice as to save him from asking and accepting pecuniary aid to quiet internal discontent.

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The chief personal counsellor of the stadholder was his former guardian, Prince Louis of Brunswick. No man could be less influenced by motives of morality or fidelity to the land in whose army he served, and he was always at the beck of the British ambassador at the Hague. The secretary Fagel was, like his ancestors, devoted to England. The grand pensionary, van Bleiswijk, had been the selection of Prince Louis. He was a weak politician, and inclined to England, but never meant to betray his country.

Thus all the principal executive officers were attached to Great Britain; Prince Louis and the secretary Fagel as obsequious vassals.

Jan.

France had a controlling influence in no one of the provinces; but in the city of Amsterdam, van Berckel, its pensionary, was her "friend." In January, 1778, before her rupture with England, the French ambassador at the Hague was instructed to suggest a convention between the states-general, France, and Spain, for liberty of navigation. As the proposal was put aside by the grand pensionary, Vergennes asked no more than that the Netherlands in the coming contest would announce to the court of London their neutrality, and support it without concessions. The treaties of alliance with England promised it no support in an aggressive war, and no guarantee of its colonies in America. Besides, "the Dutch," as Vergennes observed, "will find in their own history an apology for the French treaty with America." The interior condition of the Netherlands, their excessive taxes, their weakness on sea and land, the decay of their military spirit, the precarious condition of their possessions in the two

Indies, imposed upon them the most perfect neutrality. But neutrality to be respected needs to be strong. As England did not disguise her aggressive intentions, the city of Amsterdam and van Berckel sought to strengthen the Dutch navy, but were thwarted by Prince Louis, Fagel, and the stadholder. The English party favored an increase of the army; and, to the great discontent of the stadholder, they were defeated by the deputies of Amsterdam, Haarlem, Dort, and Delft. The Dutch were still brave, provident, and capable of acts of magnanimity; but they were betrayed by their selfish executive and the consequent want of unity of action.

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In April, 1778, the American commissioners at Paris, — Franklin, Arthur Lee, and John Adams, — in a letter to the grand pensionary, van Bleiswijk, proposed a good understanding and commerce between the two nations, and promised to communicate to the states-general their commercial treaty with France. The Dutch government through all its organs met this only overture of the Americans by silence and total neglect. It was neither put in deliberation nor answered. The British secretary of state could find no ground for complaint whatever.¹

April
28

Still the merchants of Amsterdam saw in the independence of the United States a virtual repeal of the British navigation acts; and the most pleasing historical recollections of the Dutch people were revived by the rise of the new republic.

In July, the king of France published a declaration protecting neutral ships, though bound to or from hostile ports, and though carrying contraband goods,

¹ Suffolk to Yorke, 17 July, 1778.

CHAP. unless the contraband exceeded in value three-
XII. fourths of the cargo. But the right was reserved to
1778. revoke these orders, if Great Britain should not
within six months grant reciprocity.

The commercial treaty between France and the United States was, about the same time, delivered to the grand pensionary and to the pensionary of Amsterdam. The former took no notice of it whatever. Van Berckel, in the name of the regency of Amsterdam, wrote to an American correspondent at the Hague: "With the new republic, clearly raised up by the help of Providence, we desire leagues of amity and commerce, which shall last to the end of time." Yet he acknowledged that these wishes were the wishes of a single city which could not bind even the province to which it belonged. Not one province, nor one city; not Holland, nor Amsterdam; no, not even one single man, whether in authority or in humble life, — appears to have expected, planned, or wished a breach with England; and they always to the last rejected the idea of a war with that power as an impossibility. The American commissioners at Paris, being indirectly invited by van Berckel to renew the offer of a treaty of commerce between the two republics, declined to do so; for, as the grand pensionary had not replied to their letter written some months before, "they apprehended that any further motion of that kind on their part would not at present be agreeable."

Meantime, one Jan de Neufville, an Amsterdam merchant, who wished his house recommended to good American merchants, and who had promised more about an American loan than he could make

good, had come in some way to know William Lee, CHAP.
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 an alderman of London as well as an American com-
 missioner to Vienna and Berlin, and with the leave of 1778.
 the burgomasters of Amsterdam met him at Aix-la-Chapelle, and concerted terms for a commercial convention, proper in due time to be entered into between the two republics. When Lee communicated to the commissioners at Paris this project of a convention, they reminded him that the authority for treating with their High Mightinesses belonged exclusively to themselves, and they looked upon his act as a nullity. The American congress likewise took no notice of his intermeddling, and in the following June dismissed him from its service. Amsterdam disclaimed "the absurd design of concluding a convention independent of their High Mightinesses." "The burgomasters only promised their influence in favor of a treaty of amity between the two powers, when the independence of the United States of America should be recognised by the English."¹

To get rid of everything of which England could complain, the offer made in April by Franklin, Arthur Lee, and John Adams, to negotiate a treaty of commerce between America and the Netherlands, together with a copy of the commercial treaty between the United States and France, was, near the end of Sept.
 October, communicated to the states-general. They Oct.
 promptly consigned the whole matter to rest in the manner which the stadholder had concerted, and which met exactly the "hope" of the British secretary of state.²

¹ Declaration of van Berckel, 23 Sept., 1778, in Dip. Cor., i. 457. ² Private letter of the Prince of Orange to Yorke, 27 Oct., 1778;

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During the summer of 1778, British cruisers and privateers, swept on by the greed which masters the mind of those whose only object is spoil, scoured the seas in quest of booty. Other nations suffered, but none like the Netherlands. To the complaints of the Dutch that the clearest language of treaties was disregarded, the Earl of Suffolk answered that the British ambassador at the Hague should have instructions to negotiate with the republic new stipulations for the future;¹ but for the present, treaty or no treaty, England would not suffer materials for ship-building to be taken by the Dutch to any French port; and its cruisers and its admiralty were instructed accordingly. Had the stadholder been of an heroic nature, the nation might have shown once more their greatness of soul as of old; but, to complete the tribulations of the Dutch, he brought all his influence to the side of England. On the thirtieth of December, 1778, the states-general asserted their right to the commercial freedom guaranteed by the law of nations and by treaties; and yet of their own choice voted to withhold convoys where the use of them would involve a conflict with Great Britain.

Dec.
30.

During the summer the flag of Denmark, of Sweden, of Prussia, had been disregarded by British privateers, and they severally demanded of England explanations. Vergennes seized the opportunity to fix the attention of Count Panin.² "The empress," so he wrote towards the end of the year to the French minister in Russia, "will give a great proof

Secrete Resolutie van de Staten
Generaal der Vereenigde Neder-
landen, 28 Oct., 1778; Yorke to
Suffolk, 30 Oct., 1778.

¹ Suffolk to Welderen, 19 Oct., 1778.

² Vergennes to Corberon, 22 Nov., 1778, and 6 Dec., 1778.

of her dignity and equity, if she will make common cause with Sweden, Denmark, Holland, and the king of Prussia." "She would render to Europe a great service if she would bring the king of England to juster principles on the freedom of navigation of neutral ships. Holland arms its vessels to convoy its merchant fleet; Denmark announces that in the spring it will send out a squadron for the same object; Sweden will be obliged to take the like resolution. So many arrangements can easily give rise to troublesome incidents, and kindle a general maritime war. It would be easy for the empress to secure the prosperity of the commerce of Russia by supporting with energetic representations those of other neutral nations."

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In an interview with Panin, the Swedish envoy invited the Russian court to join that of Stockholm in forming a combined fleet to protect the trade of the north. Denmark, he said, would no doubt subscribe to the plan, and the commerce of the three countries, now so interrupted, would no longer be molested. The summons was heard willingly by Panin, who, on one of the last days of December, spoke to the British minister very plainly: "Denmark, Sweden, and Holland have respectively solicited the empress to join with them in a representation to you on this subject; and she cannot see with indifference the commerce of the north so much molested by your privateers. The vague and uncertain definition given by you to naval and warlike stores exposes almost all the productions of these parts to be sequestered. It becomes the empress as a leading power on this side Europe to expostulate with you,

CHAP. XII. and express her desire of some alteration in your regulations, and that you would put more circumspection in your mode of proceeding against the ships of neutral states." The British minister defended the British definition of "naval stores." Count Panin answered with a smile: "Accustomed to command at sea, your language on maritime subjects is always too positive." Harris deprecated any formal remonstrance against the British treatment of neutral powers as an appearance of disunion between the two courts. Panin replied: "I am sorry to hear you say what you do, as I have the orders of the empress to prepare a representation."

1778. Thus far had Russia moved for the protection of neutral commerce before the end of 1778. But her plan for 1779 did not equal the grandeur of her conceptions; for it aimed at no more than an agreement with Denmark and Sweden to exclude privateers from the North Sea near their coasts and from the Baltic, and jointly to keep up a chain of cruisers for the safety of ships bound to their ports. As the Russian trade was for the most part in the hands of the English, this action of Catharine would in practice be little more than a safeguard of English commerce. The cabinet of France was dissatisfied, and feared that the consolidated group of northern states might be drawn into connection with England. At this stage Frederic, who, through the mediation of Russia and France, was just emerging from his Austrian war, intervened. Russia had acted precipitately without intending to offend France and without proper concert with the courts of Stockholm

and Copenhagen.¹ Through the explanations of the king of Prussia, every displeasure was removed from the mind of Vergennes, and his answer to the Russian note drew from Count Panin the remark to the French minister at Petersburg: "Once more I give you my word that we have no engagement with England whatever."²

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The oppressed maritime powers continued to lay their complaints before the empress of Russia; so that the study of neutral rights occupied her mind till she came to consider herself singled out to take the lead in their defence, and could with difficulty be withheld from sending to England very disagreeable remonstrances on the subject. The extraordinary prosperity of the Russians confirmed them in their notions of their own greatness and power.

When, in the middle of July, Harris presented the Spanish declaration of war against England to Count Panin, he replied ministerially: "Great Britain has by its own haughty conduct brought down all its misfortunes on itself; they are now at their height; you must consent to any concessions to obtain peace; and you can expect neither assistance from your friends nor forbearance from your enemies." In subsequent conversations Panin ever held the same language and advanced the same opinions.

"Count Panin," wrote Harris, "receives every idea from his Prussian Majesty and adopts it without reflection;" and the indefatigable envoy, giving up all hope of reclaiming him, undertook to circumvent him through the influence of Prince Potemkin,

¹ Frederic to Goltz, 17 and 24 April, 1779.

² Corberon to Vergennes, 28 May, 1779

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who had passed through the love of the empress to a position of undefined and almost unlimited influence with the army, the Greek church, and the nobility. Possessing uncommon talents and address, he would, with a better education, have held a high position in any country. By descent and character, he was the truest representative of Russian nationality. Leaving the two chief maritime powers of western Europe, both of whom wished to preserve the Ottoman empire in its integrity, to wear out each other, Potemkin, who was no dreamer, used the moment of the American war to annex the Crimea.

Harris professed to believe that for eighty thousand pounds he could purchase the influence of this extraordinary man. But Potemkin could not be reached. He almost never appeared at court or in company. It was his habit to lie in bed till near noon, and on his rising his anterooms were thronged with clients of all sorts. No foreign minister could see him except by asking specially for an interview; no one of them was ever admitted to his domestic society or his confidence. Those who knew him best agree that he was too proud to take money from a foreign power, and he never deviated from his Russian policy; so that the enormous bribes which were designed to gain him were squandered on his chief mistress and his intimates. At the same time he was aware how much he would gain by lulling the British government into acquiescence in his oriental schemes of aggrandizement.

Without loss of time Harris proposed to Potemkin that the empress should make a strong declaration at Versailles and Madrid, and second it by arming all

her naval force. To this Potemkin objected that both the Russian ministers who would be concerned in executing the project would oppose it. Harris next gained leave to plead his cause in person before Catharine herself. On Monday, the second of August, the favorite of the time conducted him by a back way into her private dressing-room and immediately retired. The empress discomposed him by asking if he was acting under instructions. He had none; and yet he renewed his request for her armed mediation. She excused herself from plunging her empire into fresh troubles; then discoursed on the American war, and hinted that England could in a moment restore peace by renouncing its colonies.

CHAP
XII.
1779.

The question was referred to the council of state; and that body, after deliberation, unanimously refused to change its foreign policy. To the Count of Goertz, the new and very able envoy of Frederic at Petersburg, Panin unfolded his innermost thoughts. "The British minister," said he, "as he makes no impression on me by sounding the tocsin, applies to others less well informed; but be not disquieted; in spite of the brilliant appearances of others, I answer for my ability to sustain my system. The powers ought not to suffer England to be crushed; but she is very far from that; and there would be no harm in her meeting with some loss."¹ Such was the opinion of Frederic, who had just written: "The balance of power in Europe will not be disturbed by England's losing possessions here and there in other parts of the world."²

¹ Goertz to Frederic, 24 Sept., 1779.

² Frederic to Solms, 14 Aug., 1779.

CHAP.
XII.

1779.

During the whole of the year 1779, the Netherlands continued to suffer from the conflicting aggressions of France and Great Britain. The former sought to influence the states-general by confining its concession of commercial advantages in French ports to the towns which voted for unlimited convoy. In the states of Holland it was carried for all merchant vessels destined to the ports of France by a great majority, Rotterdam and the other chief cities joining Amsterdam, and the nobles being equally divided; but the states-general, in which Zeeland took the lead, and was followed by Gelderland, Groningen, and Overijssel, from motives of prudence rejected the resolution. Notwithstanding this moderation, a memorial from the British ambassador announced that Dutch vessels, carrying timber to ports of France, as by treaty with England they had the right to do, would be seized even though escorted by ships of war. Indignation within the provinces at the want of patriotism in the prince of Orange menaced the prerogatives of the stadholder and even the union itself. On one occasion five towns went so far as to vote in the states of Holland for withholding the quota of their province.¹

Great Britain next adopted another measure for which she had some better support. In July she demanded of the states-general the succor stipulated in the treaties of 1678 and the separate article of 1716, and argued that "the stipulations of a treaty founded on the interests of trade only must give way to those founded on the dearest interests of the two nations, on liberty and religion." But the

¹ Thulemeier to Frederic, 10 Aug., 1779.

Dutch would not concede that the case provided for by treaty had arisen, and denied the right of England to disregard one treaty at will and then claim the benefit of others.

CHAP.
XII.
1779.

While the British were complaining that nine or ten American merchant vessels had entered the port of Amsterdam, a new cause of irritation arose. Near the end of July, Paul Jones, a Scot by birth in the service of the United States, sailed from l'Orient as commander of a squadron consisting of the "Poor Richard" of forty guns (many of them unserviceable), the "Alliance" of thirty-six guns, both American ships of war; the "Pallas," a French frigate of thirty-two; and the "Vengeance," a French brig of twelve guns. They ranged the western coast of Ireland, turned Scotland, and, cruising off Flamborough Head, desried the British merchant fleet from the Baltic under the convoy of the "Serapis" of forty-four guns, and the "Countess of Scarborough" of twenty guns.

An hour after sunset, on the twenty-third of September, the "Serapis," having a vast superiority in strength, engaged the "Poor Richard." With marvellous hardihood Paul Jones, after suffering exceedingly in a contest of an hour and a half within musket shot, bore down upon his adversary, whose anchor he hooked to his own quarter. The muzzles of their guns touched each other's sides. Jones could use only three nine-pounders and muskets from the round-tops, but combustible matters were thrown into every part of the "Serapis," which was on fire no less than ten or twelve times. There were moments when both ships were on fire together. After

Sept.
23.

CHAP. XII.
 1779. a two hours' conflict in the first watch of the night, the "Serapis" struck its flag. Jones raised his pendant on the captured frigate, and the next day had but time to transfer to it his wounded men and his crew before the "Poor Richard" went down. The French frigate engaged and captured the "Countess of Scarborough." The "Alliance," which from a distance had raked the "Serapis" during the action, not without injuring the "Poor Richard" as well, had not a man injured. On the fourth of October, the squadron entered the Texel with its prizes.

On hearing of their arrival, the British ambassador, of himself and again under instructions, reclaimed the captured British ships and their crews, "who had been taken by the pirate, Paul Jones, of Scotland, a rebel and a traitor." "They," he insisted, "are to be treated as pirates whose letters of marque have not emanated from a sovereign power." The grand pensionary would not have the name of pirate applied to officers bearing the commissions of congress. In spite of the stadholder, the squadron enjoyed the protection of a neutral port. Under an antedated commission from the French king, the flag of France was raised over the two prizes and every ship but the "Alliance;" and four days before the end of the year Paul Jones, with his English captures, left the Texel.

An American frigate, near the end of September, had entered the port of Bergen with two rich prizes. Yielding to the British envoy at Copenhagen, Bernstorff, the Danish minister, seized the occasion to publish an ordinance forbidding the sale of prizes,

until they should have been condemned in a court of admiralty of the nation of the privateer; and he slipped into the ordinance the declaration, that, as the king of Denmark had recognised neither the independence nor the flag of America, its vessels could not be suffered to bring their prizes into Danish harbors. The two which had been brought into Bergen were set free; but, to avoid continual reclamations, two others, which in December were taken to Christiansand, were only forced to leave the harbor.¹

CHAP.
XII.
1779.

Wrapt up in the belief that he had "brought the empress to the verge of standing forth as the professed friend of Great Britain," Harris thought he had only to meet her objection of his having acted without instructions; and, at his instance, George the Third, in November, by an autograph letter, entreated her armed mediation against the house of Bourbon. "I admire," so he addressed her, "the grandeur of your talents, the nobleness of your sentiments, and the extent of your intelligence." "The employ, the mere show of naval force could break up the league formed against me, and maintain the balance of power which this league seeks to destroy."² The letter was accompanied by a writing from Harris, in which he was lavish of flattery; and he offered, unconditionally, an alliance with Great Britain, including even a guarantee against the Ottoman Porte.³

Nov.

The answer was prepared by Panin without delay.

¹ Bismarck to Frederic, 6 and 23 Oct., 6 Nov., and 8 Dec., 1779. ² Malmesbury, i. 228. ³ Goertz to Frederic, 14 Dec., 1779.

CHAP. XII. The empress loves peace, and therefore refuses an armed intervention, which could only prolong the war. She holds the time ill chosen for a defensive alliance, since England is engaged in a war not appertaining to possessions in Europe; but if the court of London will offer terms which can serve as a basis of reconciliation between the belligerent powers, she will eagerly employ her mediation.

1780. In very bad humor, Harris rushed to Potemkin for consolation. "What can have operated so singular a revolution?" demanded he, with eagerness and anxiety. Potemkin replied: "You have chosen an unlucky moment. The new favorite lies dangerously sick. The empress is absorbed in this one passion. She repugns every exertion. Count Panin times his counsels with address; my influence is at an end." Harris fell ill. Everybody knew that Panin and Osterman of the foreign office, and the grand duke, afterwards Paul the Third, were discontented with his intrigues; and Catharine herself, meeting Goertz, asked playfully: "What can have given Sir James Harris the jaundice? Has anything happened to vex him? And is he so choleric?"¹

1779. Unremitted attention was all the while given to the defence of neutral rights; and the Russian envoy at London, no less than the envoys of Sweden, Denmark, the Netherlands, and Prussia, delivered a memorial to the British government. To detach Russia from the number of the complainants, Harris, in January, 1780, gave a written promise, "that the navigation of the subjects of the

¹ Goertz to Frederic, 7 Jan., 1780.

empress should never be interrupted by vessels of Great Britain.”¹

CHAP.
XII.

1779.

To the end of 1779 the spirit of moderation prevailed in the councils of the Netherlands. Even the province of Holland had unreservedly withdrawn its obnoxious demands. On the evening before the twenty-seventh of December, seventeen Dutch merchant vessels, laden with hemp, iron, pitch, and tar, left the Texel under the escort of five ships of war commanded by the Count de Bylandt. In the English Channel, on the morning of the thirtieth, they descried a British fleet, by which they were surrounded just before sunset. The Dutch admiral, refusing to permit his convoy to be visited, Fielding, the British commander, replied that it would then be done by force. During the parley night came on; and twelve of the seventeen ships, taking advantage of the darkness and a fair wind, escaped through the British lines to French ports. The English shallop which the next morning at nine would have visited the remaining five ships was fired upon. At this the British flagship and two others fired on the Dutch flagship. The ship was hit, but no one was killed or wounded. “Let us go down,” said the Dutch crews to one another, “rather than fall into a shameful captivity.” But their admiral, considering that the British force was more than three times greater than his own, after returning the broadside, struck his flag.² Fielding carried the five merchant ships as prizes into Portsmouth.

Dec.
27.

30

31.

¹ Malmesbury, i. 233.

² Account of the Rencontre, by le Sieur de Schönberg, lieutenant

of marines on board the flagship of Count de Bylandt.

CHAP.
XII.

1779. This outrage on the Netherlands tended to rouse and unite all parties and all provinces. Everywhere in Europe, and especially in Petersburg, it was the subject of conversation; and the conduct of the Dutch was watched with the intensest curiosity.¹ But another power beside England had disturbed neutral rights. Fearing that supplies might be carried to Gibraltar, Spain had given an order to bring into Cadiz all neutral ships bound with provisions for the Mediterranean, and to sell their cargoes to the highest bidder. In the last part of the year 1779, the order was applied to the "Concordia," a Russian vessel carrying wheat to Barcelona. Harris, who received the news in advance, hurried to Potemkin with a paper in which he proved from this example what terrible things might be expected from the house of Bourbon if they should acquire maritime superiority. On reading this paragraph, Potemkin cried out with an oath: "You have got her now. The empress abhors the inquisition, and will never suffer its precepts to be exercised on the high seas." On the confirmation of the report, a strong memorial was drawn up under the inspection of the empress herself, and a reference to the just reproaches of the courts of Madrid and Versailles against Great Britain for troubling the liberty of commerce was added by her own express order.

Hardly had the Spanish representative at Petersburg forwarded the memorial by a courier to his government, when letters from the Russian consul at Cadiz announced that the "St. Nicholas," bearing the

¹ Swart, minister at Petersburg, to the states-general, 1 and 4 Feb., 1780.

Russian flag and bound with corn to Malaga, had been brought into Cadiz, its cargo disposed of to the best bidder, and its crew treated with inhumanity. The empress felt this second aggression as a deliberate outrage on her flag, and following the impulses of her own mind she seized the opportunity to adopt, seemingly on the urgency of Great Britain, a general measure for the protection of the commerce of Russia as a neutral power against all the belligerents and on every sea. She preceded the measure by signing an order for arming fifteen ships of the line and five frigates for service early in the spring.

Loving always to be seen leading in great and bold undertakings, she further signed letters prepared by her private secretary to her envoys in Sweden, Denmark, and the Hague, before she informed her minister for foreign affairs of what had been done. A Russian courier was expedited to Stockholm, and thence to Copenhagen, the Hague, Paris, and Madrid.¹ On the twenty-second of February, Potemkin announced the measure to his *protégé*, Harris, by the special command of the empress. "The ships," said the prince, "will be supposed to protect the Russian trade against every power, but they are meant to chastise the Spaniards, whose insolence the empress cannot brook." Harris "told him he was not so sanguine. In short, that it was no more than the system of giving protection to trade suggested last year by the three northern courts, now carried into execution."² Potemkin, professing to be "almost out of humor with his objections and with his backwardness

CHAP.
XII.
1780

¹ Goertz to Frederic, 7 March, 1780. ² Malmesbury, i. 241.

CHAP. to admit the great advantage England would derive
 XII. from the step," rejoined: "I am just come from the
 1780. empress; it is her particular order that I tell it to
 you. She commanded me to lose no time in finding
 you out. She said she knew it would give you pleas-
 ure; and, besides myself, you are at this moment
 the only person acquainted with her design." He
 ended by expressing his impatience that the event
 should be known, and urging Harris to despatch his
 messenger immediately with the news. So Harris
 was made the instrument of communicating to his
 own government what the other powers received
 directly from Russia; and the measure, so opposite
 to the policy of England, was reported to that power
 by its own envoy as a friendly act performed at its
 own request.

But before the despatches of Harris were on the
 road, the conduct of the affair was intrusted to
 Panin, who, although suffering from the physical
 and moral depression consequent on the disease
 which was slowly but surely bringing him to the
 grave,¹ took the subject in hand. The last deed of
 the dying statesman was his best. Cast down as he
 was by illness, before the end of February he thus
 unbosomed himself to the Prussian minister: "In
 Feb. truth the envoy of England has found means for a
 miserable trifle to excite my sovereign to a step of
éclat, yet always combined with the principle of
 neutrality. The court of Spain will probably yield
 to just representations; the measure which he has
 occasioned will turn against himself, and he will have
 himself to reproach for everything that he shall have

¹ Goertz to Frederic, 29 Feb., 1780.

brought upon his court. I had thought Sir James Harris understood his business; but he acts like a boy." CHAP.
XII.
1780

To Frederic, Goertz made his reports: "Everything will now depend on the reply of the court of Spain. At so important a moment your Majesty has the right to speak to it with frankness."¹ "There will result from the intrigue a matter, the execution of which no power has thus far been able to permit itself to think of. All have believed it necessary to establish and to fix a public law for neutral powers in a maritime war; the moment has come for attaining that end."² March

These letters reached Frederic by express; and on the fourteenth of March, by the swiftest messenger, he instructed his minister at Paris as follows: "Immediately on receiving the present order, you will demand a particular audience of the ministry at Versailles, and you will say that in my opinion everything depends on procuring for Russia without the least loss of time the satisfaction she exacts, and which Spain can the less refuse, because it has plainly acted with too much precipitation. Make the ministry feel all the importance of this warning, and the absolute necessity of satisfying Russia without the slightest delay on an article where the honor of her flag is so greatly interested. In truth, it is necessary not to palter in a moment so pressing."³

Vergennes read the letter of Frederic, and by a courier despatched a copy of it to the French ambas-

¹ Goertz to Frederic, 29 Feb., 1780. ² Goertz to Frederic, 3 March, 1780.

³ Frederic to Goltz, 14 March, 1780.

CHAP.
XII.

1780.
March.

sador at Madrid, with the instruction: "I should wrong your penetration and the sagacity of the cabinet of Madrid, if I were to take pains to demonstrate the importance for the two crowns to spare nothing in order that the empress of Russia may not depart from the system of neutrality which she has embraced."¹ The letter of Frederic was communicated to Florida Blanca, and it was impossible to resist its advice.

The distance between Madrid and Petersburg prolonged the violent crisis; but before a letter could have reached even the nearest power, Count Panin, manifesting always perfect confidence in the minister of Frederic, presented to the empress his plan for deducing out of the passing negotiation a system of permanent protection to neutral flags in a maritime war. "Your Majesty," so he addressed her, "should present yourself to Europe in an impartial attitude as the defender of the rights of neutrals before all the world. You will thus gain a glorious name, as the lawgiver of the seas, imparting to commerce in time of war a security such as it has never yet enjoyed. Thus you will gather around you all civilized states, and be honored through coming centuries as the benefactress of the human race, entitled to the veneration of the nations and of coming ages."²

The opinions of her minister coinciding exactly with her own, on the twenty-sixth of February, 1780, that is on the eighth of March, new style, Catharine and Panin set their names to the declara-

¹ Vergennes to Montmorin, 27 March, 1780.

² Goertz to Frederic, 7 March, 1780.

tion of which the fixed principles are : Neutral ships shall enjoy a free navigation even from port to port, and on the coasts of the belligerent powers : — Free ships free all goods except contraband : — Contraband are arms and ammunitions of war, and nothing else : — No port is blockaded, unless the enemy's ships, in adequate number, are near enough to make the entry dangerous : — These principles shall rule decisions on the legality of prizes. “Her Imperial Majesty,” so ran the state paper, “in manifesting these principles before all Europe, is firmly resolved to maintain them. She has therefore given an order to fit out a considerable portion of her naval forces, to act as her honor, her interest, and necessity may require.”

CHAP.
XII.
1780

Frederic received the news of the declaration in advance of others, and with all speed used his influence in its behalf at Versailles ;¹ so that, for the maritime code, which came upon Great Britain as a surprise, a welcome was prepared in France and Madrid.

The empress made haste to invite Sweden, Denmark, Portugal, and the Netherlands to unite with her in supporting the rules which she had proclaimed. The voice of the United States on the subject was uttered immediately by John Adams. He applauded the justice, the wisdom, and the humanity of an association of maritime powers against violences at sea, and added as his advice to Congress : “The abolition of the whole doctrine of contraband would be for the peace and happiness of mankind ; and I doubt not, as human reason advances, and men come to be more sensible of the benefits of peace and less enthusiastic

¹ Frederic to Goltz, 23 March, 1780.

CHAP. for the savage glories of war, all neutral nations will
XII. be allowed, by universal consent, to carry what goods
1780. they please in their own ships, provided they are not
bound to places actually invested by an enemy.”¹

For the moment the attention of Europe was riveted on the Netherlands ; but before we can follow further their connections with the war, we must relate its events in the south and in the north of the United States.

¹ Dip. Cor., iv. 497.

CHAPTER XIII.

THE WAR IN THE SOUTHERN STATES.

1778-1779.

THE plan for the southern campaign of 1778 was prepared by Germain with great minuteness of detail. Pensacola was to be strengthened by a thousand men from New York. On the banks of the Mississippi, near the channel of Iberville, a considerable post was to be established by the commander in West Florida, partly to protect property and trade, but more to preserve the communication with the Indian nations.¹ From the army at New York men were to be detached, sufficient for the conquest and permanent occupation of Georgia and South Carolina, where the American custom of calling out the militia for short periods of service was to be introduced. The Florida rangers and a party of Indians were to attack the

CHAP.
XIII.

1778.

¹ Germain to the officer commanding in West Florida, 1 July, 1778.

CHAP. XIII. } southern frontier, while the British agent was to
 1778. } bring down a large body of savages towards Augusta.
 A line of communication was to be established across South and North Carolina, and the planters on the sea-coast were to be reduced to the necessity of abandoning or being abandoned by their slaves. Five thousand additional men were at a later date to be sent to take Charleston; and, on the landing of a small corps at Cape Fear, Germain believed that "large numbers of the inhabitants would doubtless flock to the standard of the king, whose government would be restored in North Carolina." Then, by proper diversions in Virginia and Maryland, he said it might not be too much to expect that all America to the south of the Susquehanna would return to its allegiance.¹ Sir Henry Clinton was no favorite of the minister's; these brilliant achievements were designed for Cornwallis.

During the autumn of 1778, two expeditions were sent out by Prevost from East Florida. They were composed in part of regulars; the rest were vindictive refugees from Georgia and South Carolina, called troopers, though having only "a few horses that were kept to go plundering into Georgia." Brown, their commander, held directly from the governor of East Florida the rank of lieutenant-colonel, so that the general was prevented "from reducing them to some order and regulation."² One of these mixed parties of invaders summoned the fort at Sunbury to surrender. But when Colonel Mackintosh answered, "Come and take it," they retreated.

¹ Germain to Clinton, most secret, 8 March, 1778.

² Prevost to Clinton, 25 Sept., 1778.

The other corps was stopped at the Ogeechee. On their return they burned at Midway the church, almost every dwelling-house, and all stores of rice and other cereals within their reach; and they carried off with them all negroes, horses, cattle, and plate that could be removed by land or water. Screven, a gallant American officer, beloved for his virtues in private life, was killed by them after he became their prisoner.

CHAP.
XIII.

1778.

Roused by these incursions into Georgia, Robert Howe, the American commander in the southern district, meditated an expedition against St. Augustine. This scheme had no chance of success. At St. Mary's river an epidemic swept away one quarter of his men, and, after slight skirmishes, he led back the survivors to Savannah.

Immediately after his return, on the twenty-third of December, three thousand men, despatched from New York under Lieutenant-Colonel Campbell, arrived off the island of Tybee; and soon afterwards, passing the bar, approached Savannah. Relying on the difficulties of the ground, Howe offered resistance to a disciplined corps, ably commanded, and more than three times as numerous as his own. But on the twenty-ninth one party of British, guided by a negro through a swamp, turned his position. A simultaneous attack on the Americans in front and rear drove them into a disorderly and precipitate retreat. With a loss of but twenty-four in killed and wounded, the British gained the capital of Georgia, four hundred and fifty-three prisoners, forty-eight pieces of cannon, several mortars, a field-piece, the fort with its military magazines, and

Dec.
23.

29.

CHAP. large stores of provisions. No victory was ever
 XIII. more complete; but Germain was not satisfied, for
 1778. no Indian parties had been called to take part in the expedition.¹

Flushed with his rapid success, Campbell promised protection to the inhabitants, but only on condition that "they would support the royal government with their arms." In this way the people of the low country of Georgia had no choice but to join the British standard, or flee to the upland or to South Carolina. The captive soldiers, refusing to enlist in the British service, were crowded on board prison-ships to be swept away by infection. Moses Allen, the chaplain of the Georgia brigade, fervid in the pulpit and in battle, after a loathsome confinement of many months, was drowned in attempting to escape by swimming. The war was plainly to be conducted without mercy, and terror was to compensate for the want of numbers. Many submitted; but determined republicans sought an asylum in the western parts of the state.

1779. Early in January, 1779, Brigadier-General Prevost
 Jan. marched as a conqueror across lower Georgia to Savannah, reducing Sunbury on the way and capturing its garrison; and Campbell, with eight hundred regulars, took possession of Augusta. The province appearing to be restored to the crown, plunder became the chief thought of the British army.

From jealousy of concentrated power, congress kept the military departments independent of each other. At the request of the delegates from South

¹ Germain to Prevost, 13 March, 1779. Compare *Ibid.*, 8 March, 1779.

Carolina, Robert Howe was superseded in the southern command by Major-General Benjamin Lincoln. CHAP.
XIII.
In private life this officer was most estimable; as a 1779.
soldier he was brave, but of a heavy mould and inert of will. Towards the end of 1776, he had repaired to Washington's camp as a major-general of militia; in the following February, he was transferred to the continental service, and passed the winter at Morristown. In the spring of 1777, he was completely surprised by the British, and had a narrow escape. In the summer he was sent to the north, in the belief that his influence with the New England militia would be useful; but he never took part in any battle. Wounded by a British party whom he mistook for Americans, he left the camp, having been in active service less than a year. He had not fully recovered when, on the fourth of December, 1778, he entered upon the command in Charleston.

Collecting what force he could, the new commander took post on the South Carolina side of the Savannah, near Perrysburg, with a force which at first scarcely exceeded eleven hundred. As neither party ventured to cross the river, the British, who were masters of the water, detached two hundred men to Beaufort. Moultrie, sent almost alone to counteract the movement, rallied under his standard about an equal number of militia. These brave volunteers, who were supported by but nine continentals, though they were poorly supplied with ammunition and though their enemy had the advantage of position, fought for their own homes under a leader whom they trusted, and on the

CHAP. third of February drove the invaders with great
XIII. loss to their ships.

1779. The continental regiments of North Carolina were
Feb. with Washington's army; the legislature of that state
3. promptly called out two thousand of its people, and sent them, though without arms, to serve for five months under Ashe and Rutherford. The scanty stores of South Carolina were exhausted in arming them. In the last days of January, 1779, they joined the camp of Lincoln, whose troops thus became respectable as to numbers, though only six hundred of them were continentals.

Meantime the assembly of South Carolina, superseding Rawlins Lowndes by an almost unanimous vote, recalled John Rutledge to be their governor. They ordered a regiment of light dragoons to be raised, offered a bounty of five hundred dollars to every one who would enlist for sixteen months, and gave large powers to the governor and council to draft the militia of the state, and "do everything necessary for the public good."

The British, having carried their arms into the upper country of Georgia, sent emissaries to encourage a rising in South Carolina. A party of abandoned men, whose chief object was rapine, put themselves in motion to join the British, gathering on the way every kind of booty that could be transported. They were pursued across the Savannah by Colonel Andrew Pickens with about three hundred of the citizens of Ninety-Six; and on the fourteenth of February were overtaken, surprised, and completely routed. Their commander and forty others fell in battle, and many prisoners were taken. About two hundred

escaped to the British lines. The republican government which, since 1776, had maintained its jurisdiction without dispute in every part of the commonwealth, arraigned some of them in the civil court; and, by a jury of their fellow-citizens, seventy of them were convicted of treason and rebellion against the state of South Carolina. Of these no more than five were executed: the rest were pardoned.

CHAP.
XIII.

1779.

On hearing that Lincoln from ill health had asked of congress leave to retire, Greene, who was impatient of his position as quartermaster-general, requested of the commander-in-chief the southern command. Washington answered that Greene would be his choice, but he was not consulted. The army of Lincoln, whose offer to retire was not accepted, was greatly inferior to the British in number, and far more so in quality; yet he ventured to detach Ashe, with fifteen hundred of the North Carolina militia, on separate service. This inexperienced general crossed the Savannah at Augusta, which the British had abandoned, and descended the river with the view to confine the enemy within narrower limits. Following his orders, he encamped his party at Brier creek, on the Savannah, beyond supporting distance. The post seemed to him strong, as it had but one approach. The British amused Lincoln by a feint, while Lieutenant-Colonel Prevost turned the position of Ashe, who seemed never to have heard of military discipline or vigilance; and on the third day of March fell upon his party. The few continentals, about sixty in number, alone made a brave but vain defence. By wading through swamps and swimming the Savannah, four hundred and fifty

March
3.

CHAP. of the militia were able to rejoin the American
XIII. camp; the rest perished or were captured or re-
1779. turned to their homes. So quickly was one-fourth
of the troops of Lincoln lost. The British captured
seven pieces of cannon, and more than one thou-
sand stand of arms. After this success, General
Prevost proclaimed a sort of civil government in
Georgia.

Re-enforced from the South Carolina militia, of
whom Rutledge had assembled great numbers at
Orangeburg, Lincoln, who had neither the means of
conducting a siege, nor a soldiery that could encoun-
ter veterans, nor the command of the river, undertook
to lead his troops against Savannah by way of Au-
gusta, leaving only a thousand militia under Moultrie
at Perrysburg. The British general had the choice
between awaiting an attack, or invading the richest
part of Carolina. His decision was for the side which
promised booty. On the twenty-eighth of April, when
the American army was distant five days' march, Gen-
eral Prevost, this time supported by Indians, crossed
the river with three thousand men, and drove Moul-
trie before him. The approach of the savage allies,
who spared neither child nor woman, and the waste
and plunder of the plantations, spread terror through
the land. Many of Moultrie's militia left him to pro-
tect their own families. Timid planters, to save their
property, made professions of loyalty; and sudden
converts represented to Prevost that Charleston lay
defenceless at his mercy. After two or three days of
doubt, the hope of seizing the wealthy city lured him
on; and upon the eleventh of May, two days too late,
he appeared before the town. While he hesitated, the

April
28.

May
11.

men of Charleston had protected the neck by sudden but well-planned works; on the ninth and tenth Rutledge arrived with the militia, and Moultrie, with all of his party that remained true to him, as well as a body of three hundred men whom Lincoln had detached, and who had marched forty miles a day. While the British crossed the Ashley, Pulaski and a corps were ferried over the Cooper into Charleston.

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XIII.

1779.

The besiegers and the besieged were nearly equal in numbers; the issue of the campaign might depend on the slaves. No sooner was the danger of South Carolina known in the camp of Washington, than young Laurens was impatient to fly to his native state, and levy and command a regiment of blacks. Alexander Hamilton recommended the project to the president of congress in these words: "The negroes will make very excellent soldiers. This project will have to combat prejudice and self-interest. Contempt for the blacks makes us fancy many things that are founded neither in reason nor experience. Their natural faculties are as good as ours. Give them their freedom with their muskets: this will secure their fidelity, animate their courage, and have a good influence upon those who remain, by opening a door for their emancipation. This circumstance has weight in inducing me to wish the success of the project; for the dictates of humanity and true policy equally interest me in favor of this unfortunate class of men." Two days later, the elder Laurens wrote to Washington: "Had we arms for three thousand such black men as I could select in Carolina, I should have no doubt of success in driving the British out of Georgia, and subduing East Florida before the end of July." To this Washington

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1779.

answered : “ The policy of our arming slaves is in my opinion a moot point, unless the enemy set the example. For, should we begin to form battalions of them, I have not the smallest doubt, if the war is to be prosecuted, of their following us in it, and justifying the measure upon our own ground. The contest then must be, who can arm fastest. And where are our arms ? ”

Congress listened to Huger, the agent from South Carolina, as he explained that his state was weak, because many of its citizens must remain at home to prevent revolts among the negroes, or their desertion to the enemy ; and it recommended as a remedy, that the two southernmost of the thirteen states should detach the most vigorous and enterprising of the negroes from the rest by arming three thousand of them under command of white officers.

A few days before the British came near Charleston, young Laurens arrived, bringing no relief from the north beyond the advice of congress for the Carolinians to save themselves by arming their slaves. The advice was heard in anger and rejected with disdain. The state felt itself cast off and alone. Georgia had fallen ; the country between Savannah and Charleston was overrun ; the British confiscated all negroes whom they could seize ; their emissaries were urging the rest to rise against their owners or to run away ; the United States seemed indifferent ; and Washington's army was too weak to protect so remote a government. Many began to regret the struggle for independence. Moved, therefore, by their insulation and by a dread of exposing Charleston to be taken by storm ; and sure at least of gaining time by protracted

parleys, — the executive government sent a flag to ask of the invaders their terms for a capitulation. In answer, the British general offered peace to the inhabitants who would accept protection; to all others, the condition of prisoners of war. The council, at its next meeting, debated giving up the town; Moultrie, Laurens, and Pulaski, who were called in, declared that they had men enough to beat the invaders; and yet against the voice of Gadsden, of Ferguson, of John Edwards, who was moved even to tears, the majority, at heart irritated by the advice of congress to emancipate and arm slaves, “proposed a neutrality, during the war between Great Britain and America; the question whether the state shall belong to Great Britain or remain one of the United States to be determined by the treaty of peace between the two powers.” Laurens, being called upon to bear this message, scornfully refused, and another was selected. The British general declined to treat with the civil government of South Carolina; but made answer to Moultrie that the garrison must surrender as prisoners of war. “Then we will fight it out,” said Moultrie to the governor and council, and left their tent. Gadsden and Ferguson followed him to say: “Act according to your own judgment, and we will support you;” and Moultrie waved the flag from the gate as a signal that the conference was at an end.

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1779.

The citizens of Charleston knew nothing of the deliberations of the council, and seemed resolved to stand to the lines in defence of their country; parleys had carried them over the only moment of danger. At daylight the cry ran along the line: “The enemy is gone.” The British, having intercepted a

CHAP. letter from Lincoln, — in which he charged Moultrie
 XIII. “not to give up the city nor suffer the people to de-
 1779. spair,” for he was hastening to their relief, — escaped
 an encounter by retreating to the islands. The Amer-
 icans, for want of boats, could not prevent their em-
 barkation, nor their establishing a post at Beaufort.
 The Carolina militia returned to their homes; Lin-
 coln, left with but about eight hundred men, passed
 the great heats of summer at Sheldon.

The invasion of South Carolina by the army of
 General Prevost proved nothing more than a raid
 through the richest plantations of the state. The
 British forced their way into almost every house in
 a wide extent of country; sparing in some measure
 those who professed loyalty to the king, they rifled
 all others of their money, rings, personal ornaments
 and plate, stripped houses of furniture and linen, and
 even broke open tombs in search of hidden treasure.
 Objects of value, not transportable by land or water,
 were destroyed. Porcelain, mirrors, windows, were
 dashed in pieces; gardens carefully planted with
 exotics were laid waste. Domestic animals, which
 could not be used nor carried off, were wantonly shot,
 and in some places not even a chicken was left alive.
 A thousand fugitive slaves perished of want in the
 woods, or of fever in the British camp; about three
 thousand passed with the army into Georgia.

The southernmost states looked for relief to the
 French fleet in America. In September, 1778, the
 Marquis de Bouillé, the gallant governor-general of
 the French windward islands, in a single day wrested
 from Great Britain the strongly fortified island of
 Dominica; but d’Estaing, with a greatly increased

fleet and a land force of nine thousand men, came in sight of the island of St. Lucia just as its last French flag had been struck to a corps of fifteen hundred British troops. A landing for its recovery was repulsed, with a loss to d'Estaing of nearly fifteen hundred men.

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1779.

Early in January, 1779, re-enforcements under Admiral Byron transferred maritime superiority to the British; and d'Estaing for six months sheltered his fleet within the bay of Port Royal. At the end of June, Byron having left St. Lucia to convoy a company of British merchant ships through the passages, d'Estaing detached a force against St. Vincent, which, with the aid of the oppressed and enslaved Caribs, its native inhabitants, was easily taken. This is the only instance in the war where insurgent slaves acted efficiently. At the same time, the French admiral made an attack on the island of Grenada, whose garrison on the fourth of July surrendered at discretion. Two days later, the fleet of Byron arrived within sight of the French; and though reduced in number, sought a general close action, which his adversary knew how to avoid. In the running fight which ensued, the British ships suffered so much in their masts and rigging, that the French recovered the superiority.

June.

July
4.

To a direct co-operation with the United States d'Estaing was drawn by the wish of congress, the entreaties of South Carolina, and his own never-failing good-will. On the first day of September he approached Georgia so suddenly that he took by surprise four British ships of war. To the government of South Carolina he announced his readiness to assist

Sept.
1.

CHAP.
XIII.1779.
Sept.

12.

in reducing Savannah; but as there was neither harbor, nor road, nor offing to receive his twenty ships of the line, he made it a condition that his fleet, which consisted of thirty-three sail, should not be detained long off so dangerous a coast. South Carolina glowed with joy in the fixed belief, that the garrison of Savannah would lay down their arms. In ten days the French troops, though unassisted, effected their landing. Meantime, the British commander worked day and night with relays of hundreds of negroes to strengthen his defences; and Maitland, regardless of malaria, hastened with troops from Beaufort through the swamps of the low country.

16.

On the sixteenth, d'Estaing summoned General Prevost to surrender to the arms of the king of France. While Prevost gained time by a triple interchange of notes, Maitland, flushed with a mortal fever caught on the march, brought to his aid through the inland channels the first division of about four hundred men from Beaufort. The second division followed a few hours later; and when both had arrived, the British gave their answer of defiance.

23.

Oct.
8.

Swiftly as the summons had been borne through South Carolina, and gladly as its people ran to arms, it was the twenty-third of September when the Americans under Lincoln joined the French in the siege of the city. On the eighth of October the reduction of Savannah seemed still so far distant, that the naval officers insisted on the rashness of leaving the fleet longer exposed to autumnal gales, or to an attack, with so much of its strength on land. An assault was, therefore, resolved on for the next day, an hour before sunrise, by two feigned and two real attacks.

The only chance of success lay in the precise execution of the plan. The column under Count Dillon, which was to have attacked the rear of the British lines, became entangled in a swamp, of which it should only have skirted the edge, was helplessly exposed to the British batteries, and could not even be formed. It was broad day when the party with d'Estaing, accompanied by a part of the Carolinians, advanced fearlessly, but only to become huddled together near the parapet under a destructive fire from musketry and cannon. The American standard was planted on the ramparts by Hume and by Bush, lieutenants of the second South Carolina regiment, but both of them fell; at their side Sergeant Jasper was mortally wounded, but he used the last moments of his life to bring off the colors which he supported. A French standard was also planted.

After an obstinate struggle of fifty-five minutes to carry the redoubt, the assailants retreated before a charge of grenadiers and marines, led gallantly by Maitland. The injury sustained by the British was trifling; the loss of the Americans was about two hundred; of the French thrice as many. D'Estaing was twice wounded; Pulaski once, and mortally. "The cries of the dying," so wrote the Baron de Stedingk to his king, Gustavus the Third of Sweden, "pierced me to the heart. I desired death, and might have found it, but for the necessity of thinking how to save four hundred men whose retreat was stopped by a broken bridge." He himself was badly wounded. At Paris, as he moved about on crutches, he became the delight of the highest social circles; and at one of the theatres he was personated on the stage, leading a party

CHAP.
XIII.

1779.

CHAP. to storm. The French withdrew to their ships and
XIII. sailed for France; the patriots of Georgia who had
1779. joined them fled to the backwoods or across the river.

Lincoln repaired to Charleston, and was followed by what remained of his army; the militia of South Carolina returned to their homes; its continental regiments were melting away; and its paper money became so nearly worthless, that a bounty of twenty-five hundred dollars for twenty-one months' service had no attraction. The dwellers near the sea between Charleston and Savannah were shaken in their allegiance, not knowing where to find protection. Throughout the state the people were disheartened, and foreboded its desolation.

The permanence of the power of the British in the southern Atlantic states depended on their treatment of the negro. Now that they held Georgia and Beaufort in South Carolina, they might have gained an enduring mastery by emancipating and arming the blacks. But the idea that slavery was a sin against humanity was unknown to parliament and to the ministry, and would have been hooted at by the army. The thought of universal emancipation had not yet conquered the convictions of the ruling class in England, nor touched the life and conscience of the nation. The English of that day rioted in the lucrative slave-trade, and the zeal of the government in upholding it had been one of the causes that provoked the American war. So the advice to organize an army of liberated negroes, though persisted in by the royal governor of Virginia, was crushed by the mad eagerness of the British officers and soldiers in America for plunder!

In this they were encouraged by the cordial approbation of the king and his ministers. The instructions from Germain authorized the confiscation and sale not only of negroes employed in the American army, but of those who voluntarily followed the British troops and took sanctuary under British jurisdiction.¹ Many of them were shipped to the markets of the West Indies.

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1779

Before the end of three months after the capture of Savannah, all the property, real and personal, of the rebels in Georgia, was disposed of.² For further gains, Indians were encouraged to catch slaves wherever they could find them, and bring them in. All families in South Carolina were subjected to the visits of successive sets of banditti, who received commissions to act as volunteers with no pay or emolument but that derived from rapine, and who, roaming about at pleasure, robbed the widely scattered plantations without regard to the patriotism or the loyalty of their owners. Negroes were the spoil most coveted; on the average, they were valued at two hundred and fifty silver dollars each. When Sir James Wright returned to the government of Georgia, he found several thousands of them awaiting distribution among their claimants. The name of the British grew hateful, where it had before been cherished; their approach was dreaded as the coming of ruin; their greed quelled every hope of the slave for enfranchisement.

¹ Compare Germain to Governor Wright, 19 Jan., 1780.

² Tonyn to Under-secretary Knox, 29 March, 1779.

CHAPTER XIV.

THE SIEGE OF CHARLESTON.

1779-1780.

CHAP.
XIV.

1779.

SOUTH CAROLINA moved onward to independence through the bitterest afflictions of civil war. Armies were encouraged by the government in England to pillage and lay waste her plantations, and confiscate the property of the greatest part of her inhabitants. Families were divided; patriots outlawed and savagely assassinated; houses burned, and women and children driven shelterless into the forests; districts so desolated that they seemed the abode only of orphans and widows; and the retaliation provoked by the unrelenting rancor of loyalists threatened the extermination of her people. Left mainly to her own resources, it was through bloodshed and devastation and the depths of wretchedness that her citizens were to bring her back to her place in the republic by their own heroic courage and self-devotion, having suffered more, and dared more, and achieved more than the men of any other state.

Sir Henry Clinton, in whose mind his failure before Charleston in 1776 still rankled, resolved in person to carry out the order for its reduction. In August, an English fleet commanded by Arbuthnot, an old and inefficient admiral, brought him re-enforcements and stores; in September, fifteen hundred men arrived from Ireland; in October, Rhode Island was evacuated, and the troops which had so long been stationed there in inactivity were incorporated into his army. It had been the intention of Clinton to embark in time to acquire Charleston before the end of the year. The appearance of the superior fleet of d'Estaing and the uncertainty of its destination held him at bay, till he became assured that the French had sailed for Europe.

Leaving the command in New York to the veteran Knyphausen, Clinton, in the extreme cold of the severest winter, embarked eight thousand five hundred officers and men; and on the day after Christmas, 1779, set sail for the conquest of South Carolina. The admiral led the van into the adverse current of the gulf stream; glacial storms scattered the fleet; an ordnance vessel foundered; American privateers captured some of the transports; a bark, carrying Hessian troops, lost its masts, was driven by gales across the ocean, and broke in pieces just as it had landed its famished passengers near St. Ives in England. Most of the horses perished. Few of the transports arrived at Tybee in Georgia, the place of rendezvous, before the end of January. After the junction of the troops, Clinton had ten thousand men under his command; and yet he instantly ordered

CHAP.
XIV.

1779

1780.
Jan.

CHAP. from New York Lord Rawdon's brigade of eight reg-
XIV. iments, or about three thousand more.

1780. Charleston was an opulent town of fifteen thousand
Jan. inhabitants, free and slave, including a large popula-
tion of traders and others, strongly attached to Eng-
land and hating independence. The city, which was
not deserted by its private families, had no consider-
able store of provisions. The paper money of the
province was worth but five per cent of its nominal
value. The town, like the country, was flat and low.
On three sides it lay upon the water; and, for its
complete investment, an enemy who commanded the
sea needed only to occupy the neck between the
Cooper and the Ashley rivers. It had neither cita-
del, nor fort, nor ramparts, nor stone, nor materials
for building anything more than field-works of loose
sand, kept together by boards and logs. The ground
to be defended within the limits of the city was very
extensive; and Lincoln commanded less than two
thousand effective men. On the third of February,
Feb. 1780, the general assembly of South Carolina in-
3. trusted the executive of the state with power "to do
all things necessary to secure its liberty, safety, and
happiness, except taking away the life of a citizen
without legal trial."¹ But the calls on the militia
were little heeded; the defeat before Savannah had
disheartened the people. The southern part of the
state needed all its men for its own protection; the
middle part was disaffected; the frontiers were men-
aced by savage tribes. Yet, without taking counsel
of his officers, Lincoln, reluctant to abandon public
property which he had not means to transport,

South Carolina, Statutes at Large, iv. 505.

yielded to the threats and urgency of the inhabitants of Charleston, and remained in their city, which no experienced engineer regarded as tenable.

CHAP.
XIV.

1780.
Feb.
26.

On the twenty-sixth, the British forces from the eastern side of St. John's island gained a view of the town, its harbor, the sea, and carefully cultivated plantations, which, after their fatigues, seemed to them a paradise. The best defence of the harbor was the bar at its outlet; and already on the twenty-seventh, the officers of the continental squadron, which carried a hundred and fifty guns, reported their inability to guard it. "Then," wrote Washington, "the attempt to defend the town ought to have been relinquished." But Lincoln was intent only on strengthening its fortifications. Setting the example of labor, he was the first to go to work on them in the morning, and would not return till late in the evening. Of the guns of the squadron and its seamen he formed and manned batteries on shore, and ships were sunk to close the entrance to the Ashley river.

27.

Clinton, trusting nothing to hazard, moved slowly along a coast intersected by creeks and checkered with islands. The delay brought greater disasters on the state. Lincoln used the time to draw into Charleston all the resources of the southern department of which he could dispose. "Collecting the whole force for the defence of Charleston," thought Washington, "is putting much to hazard. I dread the event."¹ But he was too remote to be heard in time.

¹ Washington to Steuben in Writings of Washington, ed. Sparks, vii. 10.

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XIV.

1780.
April
7.

- The period of enlistment of the North Carolina militia having expired, most of them returned home.
- On the seventh of April, the remains of the Virginia line, seven hundred veterans, entered Charleston, having in twenty-eight days marched five hundred miles to certain captivity.
9. On the ninth, Arbuthnot, taking advantage of a gentle east wind, brought his ships into the harbor, without suffering from Fort Moultrie or returning its fire. The next day, the first parallel being completed, Clinton and Arbuthnot summoned the town to surrender. Lincoln answered: "From duty and inclination I shall support the town to the last extremity."
13. On the thirteenth, the American officers insisted that Governor Rutledge should withdraw from Charleston, leaving Gadsden, the lieutenant-governor, with five of the council. On the same morning, Lincoln for the first time called a council of war, and, revealing to its members his want of resources, suggested an evacuation. "We should not lose an hour," said Mackintosh, "in attempting to get the continental troops over the Cooper river; for on their safety depends the salvation of the state." But Lincoln only invited them to consider the measure maturely, till the time when he should send for them again.¹ Before he met them again, the American cavalry, which kept up some connection between the town and the country, had been surprised and dispersed; Cornwallis had arrived with nearly three thousand men from New York; and the British had occupied the peninsula from the Cooper to the

¹ Simms's South Carolina in the Revolution, 122.

Wando; so that an evacuation was no longer possible. On the sixth of May, Fort Moultrie surrendered without firing a gun. That field intrenchments supported a siege for six weeks, was due to the caution of the besiegers more than to the vigor of the defence, which languished from an almost general disaffection of the citizens.¹

CHAP.
XIV.1780.
May
6.

On the twelfth, after the British had mounted cannon in their third parallel, had crossed the wet ditch and advanced within twenty-five yards of the American works, ready to assault the town by land and water, Lincoln signed a capitulation. A proposal to allow the men of South Carolina, who did not choose to reside under British rule, twelve months to dispose of their property, was not accepted. The continental troops and sailors became prisoners of war until exchanged; the militia from the country were to return home as prisoners of war on parole, and to be secured in their property so long as their parole should be observed. All free male adults in Charleston, including the aged, the infirm, and even the loyalists, who a few days later offered their congratulations on the reduction of South Carolina, were counted and paroled as prisoners. In this vain-glorious way Clinton could report over five thousand prisoners. 12.

Less property was wasted than in the preceding year, but there was not less greediness for plunder. The value of the spoil, which was distributed by English and Hessian commissaries of captures, amounted to about three hundred thousand pounds sterling, so that the dividend of a major-general exceeded four

¹ John Laurens to his father, 25 May, 1780.

CHAP.
XIV.1780.
May.

thousand guineas. There was no restraint on private rapine; the silver plate of the planters was carried off; all negroes that had belonged to rebels were seized, even though they had themselves sought an asylum within the British lines; and at one embarkation two thousand were shipped to a market in the West Indies. British officers thought more of amassing fortunes than of reuniting the empire. The patriots were not allowed to appoint attorneys to manage or to sell their estates. A sentence of confiscation hung over the whole land, and British protection was granted only in return for the unconditional promise of loyalty.

For six weeks all opposition ceased in South Carolina. One expedition was sent by Clinton up the Savannah to encourage the loyal and reduce the disaffected in the neighborhood of Augusta; another proceeded for the like purpose to the district of Ninety-Six, where Williamson surrendered his post and accepted British protection; Pickens was reduced to inactivity; alone of the leaders of the patriot militia, Colonel James Williams escaped pursuit and preserved his freedom of action.¹ A third and larger party under Cornwallis moved across the Santee towards Camden. The rear of the old Virginia line, commanded by Colonel Buford, arriving too late to re-enforce the garrison of Charleston, had retreated towards the north-east of the state. They were pursued, and on the twenty-ninth of May were overtaken by Tarleton with seven hundred cavalry and mounted infantry. Buford did not surrender, yet gave no order to engage. He himself, a few who

29.

¹ Fanning's Narrative, 11 and 12.

were mounted, and about a hundred of the infantry, saved themselves by a precipitate flight. The rest, making no resistance, sued for quarter. None was granted. A hundred and thirteen were killed on the spot; a hundred and fifty were too badly hacked to be moved; fifty-three only could be brought into Camden as prisoners. The tidings of this massacre carried through the southern forests mingled horror and anger; but Tarleton received from Cornwallis the highest encomiums.

CHAP.
XIV.1780.
May.

The universal panic consequent on the capture of Charleston had suspended all resistance to the British army. The men of Beaufort, of Ninety-Six, and of Camden, had capitulated under the promise of security. They believed that they were to be treated as neutrals, or as prisoners on parole. There remained to them no possibility of flight with their families; and if they were inclined to take up arms, there was no American army around which they could rally.

The attempt was now made to crush the spirit of independence in the heart of a people of courage and honor, to drive every man of Carolina into active service in the British army, and to force the dwellers in the land of the sun, which ripened passions as fierce as the clime, to become the instruments of their own subjection.

On the twenty-second of May, confiscation of property and other punishments were denounced against all who should thereafter oppose the king in arms, or hinder any one from joining his forces. On the first of June, a proclamation by the commissioners, Clinton and Arbuthnot, offered pardon to the penitent, on

22.

June
1.

CHAP.
XIV.1780.
June
1.

their immediate return to allegiance; to the loyal, the promise of their former political immunities, including freedom from taxation except by their own legislature. This policy of moderation might have familiarized the Carolinians once more to the British government; but the proclamation was not communicated to Cornwallis; so that when, three weeks later, two leading men, one of whom had been in a high station and both principally concerned in the "rebellion," went to that officer to surrender themselves under its provisions, he could only answer that he had no knowledge of its existence.

3. On the third of June, Clinton, by a proclamation which he alone signed, cut up British authority in Carolina by the roots. He required all the inhabitants of the province, even those outside of Charleston "who were now prisoners on parole," to take an active part in securing the royal government. "Should they neglect to return to their allegiance," so ran the proclamation, "they will be treated as rebels to the government of the king." He never reflected that many who accepted protection from fear or convenience did so in the expectation of living in a state of neutrality, and that they might say: "If we must fight, let us fight on the side of our friends, of our countrymen, of America." On the eve of his departure for New York, he reported to Germain: "The inhabitants from every quarter declare their allegiance to the king, and offer their services in arms. There are few men in South Carolina who are not either our prisoners or in arms with us."

CHAPTER XV.

WAR IN THE SOUTH: CORNWALLIS AND GATES.

1780.

RIVALRY and dissension between Clinton and Cornwallis already glowed under the ashes. The former had written home more of truth than was willingly listened to; and, though he clung with tenacity to his commission, he intimated conditionally a wish to be recalled. Germain took him so far at his word as to give him leave to transfer to Cornwallis, the new favorite, the chief command in North America.

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XV.
1780.

All opposition in South Carolina was for the moment at an end, when Cornwallis entered on his separate command. He proposed to himself no less than to keep possession of all that had been gained, and to advance as a conqueror at least to the Chesapeake. Clinton had left with him more than five thousand effective troops, besides more than a thousand in Georgia; to these were to be added the regiments which he was determined to organize out of the southern people.

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XV.

1780.

As fast as the districts submitted, the new commander enrolled all the inhabitants, and appointed field-officers with civil as well as military power. The men of property above forty were made responsible for order, but were not to be called out except in case of insurrection or of actual invasion; the younger men who composed the second class were held liable to serve six months in each year. Some hundreds of commissions were issued for the militia regiments. Major Patrick Ferguson, known from his services in New Jersey and greatly valued, was deputed to visit each district in South Carolina to procure on the spot lists of its militia, and to see that the orders of Cornwallis were carried into execution. Any Carolinian thereafter taken in arms might be sentenced to death for desertion and bearing arms against his country.¹ The proposals of those who offered to raise provincial corps were accepted; and men of the province, void of honor and compassion, received commissions, gathered about them profligate ruffians, and roamed through Carolina, indulging in rapine, and ready to put patriots to death as outlaws. Cornwallis himself never regarded a deserter, or any whom a court-martial sentenced to death, as subjects of mercy. A quartermaster of Tarleton's legion entered the house of Samuel Wyly near Camden, and, because he had served as a volunteer in the defence of Charleston, cut him in pieces. The presbyterians supported the cause of independence; and indeed the American revolution was but the application of the principles of the reformation to civil government. One Huck, a captain

¹ Cornwallis to Clinton, 30 June, 1780.

of British militia, fired the library and dwelling-house of the clergyman at Williams's plantation in the upper part of South Carolina, and burned every bible into which the Scottish translation of the psalms was bound. Under the immediate eye of Cornwallis, the prisoners who had capitulated in Charleston were the subjects of perpetual persecution, unless they would exchange their paroles for oaths of allegiance; and some of those who had been accustomed to live in affluence from the produce of lands cultivated by slaves had not fortitude enough to dare to be poor. Mechanics and shopkeepers could not collect their dues, except after promises of loyalty.

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XV.
1780.

Lord Rawdon, who had the very important command on the Santee, raged equally against deserters from his Irish regiment and against the inhabitants. To Rugely, at that time a major of militia in the British service and an aspirant for higher promotion, he on the first of July addressed the following order: "If any person shall meet a soldier straggling, and shall not secure him or spread an alarm for that purpose; or if any person shall shelter or guide or furnish assistance to soldiers straggling, the persons so offending may assure themselves of rigorous punishment, either by whipping, imprisonment, or being sent to serve in the West Indies. I will give the inhabitants ten guineas for the head of any deserter belonging to the volunteers of Ireland, and five guineas only if they bring him in alive."¹

July
1.

The chain of posts for holding South Carolina consisted of Georgetown, Charleston, Beaufort, and Savannah on the sea; Augusta, Ninety-Six, and Camden

¹ The genuineness of the letter is unquestioned.

CHAP. in the interior. Of these Camden was the most im-
XV. portant, for it was the key between the north and
1780 south; by a smaller post at Rocky Mount, it kept up
July. a communication with Ninety-Six.

In the opinion of Clinton, six thousand men were required to hold Carolina and Georgia; yet at the end of June Cornwallis reported that he had put an end to all resistance in those states, and in September, after the harvest, would march into North Carolina to reduce that province. But the violence of his measures roused the courage of despair. On hearing of the acts of the British, Houston, the delegate in congress from Georgia, wrote to Jay: "Our misfortunes are, under God, the source of our safety. Our captive soldiers will, as usual, be poisoned, starved, and insulted,—will be scourged into the service of the enemy; the citizens will suffer pillaging, violences, and conflagrations; a fruitful country will be desolated; but the loss of Charleston will promote the general cause. The enemy have overrun a considerable part of the state in the hour of its nakedness and debility; but, as their measures seem as usual to be dictated by infatuation, when they have wrought up the spirit of the people to fury and desperation, they will be expelled from the country."

Determined patriots of South Carolina took refuge in the state on their north. Among them was Sumpter, who in the command of a continental regiment had shown courage and ability. To punish his flight, a British detachment turned his wife out of doors, and burned down his house with everything which it contained. The exiles, banding themselves together, chose him for their leader. For their use, the

smiths of the neighborhood wrought iron tools into rude weapons; bullets were cast of pewter, collected from housekeepers. With scarcely three rounds of cartridges to a man, they could obtain no more but from their foes; and the arms of the dead and wounded in one engagement must equip them for another.

CHAP.
XV.
1780.
July.

On the rumor of an advancing American army, Rawdon called on all the inhabitants round Camden to join him in arms. One hundred and sixty who refused he shut up during the heat of midsummer in one prison, and loaded more than twenty of them with chains, some of whom were protected by the capitulation of Charleston.

On the twelfth day of July, Captain Huck was sent out with thirty-five dragoons, twenty mounted infantry, and sixty militia, on a patrol. His troops were posted in a lane at the village of Cross Roads, near the source of Fishing creek; and women were on their knees to him, vainly begging mercy for their families and their homes; when suddenly Sumpter and his men, though inferior in number, dashed into the lane at both ends, killed the commander, and destroyed nearly all his party. This was the first advantage gained over the royal forces since the beginning of the year.

12.

The order by which all the men of Carolina were enrolled in the militia drove into the British service prisoners on parole, and all who had wished to remain neutral. One Lisle, who thus suffered compulsion in the districts bordering on the rivers Tyger and Enoree, waited till his battalion was supplied with arms and ammunition, and then conducted it to its

CHAP. XV. old commander, who was with Sumpter in the Cat-
 awba settlement.

1780
 July 30. Thus strengthened, Sumpter, on the thirtieth of
 July, made a spirited though unsuccessful attack on
 Rocky Mount. Having repaired his losses, on the
 Aug. 6 sixth of August he surprised the British post at
 Hanging Rock. A regiment of refugees from North
 Carolina fled with precipitation; their panic spread
 to the provincial regiment of the prince of Wales,
 which suffered severely. In the beginning of the
 action, not one of the Americans had more than ten
 bullets; before its end, they used the arms and am-
 munition of the fallen. Among the partisans who
 were present in this fight was Andrew Jackson, an
 orphan boy of Scotch-Irish descent, whose hatred of
 oppression and love of country drove him to deeds
 beyond his years. Sumpter drew back to the Ca-
 tawba settlement, and from all parts of South Carolina
 patriots flocked to his standard.

Thus far the south rested on its own exertions.
 Relying on the internal strength of New England,
 and the central states for their protection, Washing-
 ton was willing to incur hazard for the relief of the
 Carolinas; and, with the approval of congress, from
 his army of less than ten and a half thousand men,
 of whom twenty-eight hundred were to be discharged
 in April, he detached General Kalb with the Mary-
 land division of nearly two thousand men and the
 Delaware regiment. Marching orders for the south-
 ward were also given to the corps of Major Lee. The
 May. movement of Kalb was slow for want of transporta-
 tion. At Petersburg, in Virginia, he added to his
 command a regiment of artillery with twelve cannon.

Of all the states, Virginia, of which Jefferson was then the governor, lay most exposed to invasion from the sea, and was in constant danger from the savages on the west; yet it was unmindful of its own perils. Its legislature met on the ninth of May. Within ten minutes after the house was formed, Richard Henry Lee proposed to raise and send twenty-five hundred men to serve for three months in Carolina, and to be paid in tobacco, which had a real value. Major Nelson with sixty horse, and Colonel Armand with his corps, were already moving to the south. The force assembled at Williamsburg, for the protection of the country on the James river, consisted of no more than three hundred men; but they too were sent to Carolina before the end of the month. North Carolina made a requisition on Virginia for arms, and received them. With a magnanimity which knew nothing of fear, Virginia laid herself bare for the protection of the Carolinas.

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May
9.

The news that Charleston had capitulated found Kalb still in Virginia. In the regular European service he had proved himself an efficient officer; but his mind was neither rapid nor creative, and was unsuited to the exigencies of a campaign in America. On the twentieth of June he entered North Carolina, and halted at Hillsborough to repose his wayworn soldiers. He found no magazines, nor did the governor of the state much heed his requisitions or his remonstrances. Caswell, who was in command of the militia, disregarded his orders from the vanity of acting separately. "Officers of European experience alone," wrote Kalb on the seventh of July to his wife, "do not know what it is to contend against

June
20.

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June.

difficulties and vexations. My present condition makes me doubly anxious to return to you." Yet, under all privations, the officers and men of his command vied with each other in maintaining order and harmony. In his camp at Buffalo ford on Deep river, while he was still doubting how to direct his march, he received news of measures adopted by congress for the southern campaign.

13. Washington wished Greene to succeed Lincoln; congress, not asking his advice and not ignorant of his opinion, on the thirteenth of June unanimously appointed Gates to the command of the southern army, and constituted him independent of the commander-in-chief. He received his orders from congress and was to make his reports directly to that body, which bestowed on him unusual powers and all its confidence. He might address himself directly to Virginia and the states beyond it for supplies; of himself alone appoint all staff-officers; and take such measures as he should think most proper for the defence of the south.

From his plantation in Virginia, Gates made his acknowledgment to congress without elation; to Lincoln he wrote in modest and affectionate language. His first important act was the request to congress for the appointment of Morgan as a brigadier-general in the continental service, and in this he was supported by Jefferson and Rutledge. He enjoined on the corps of White and Washington, and on all remnants of continental troops in Virginia, to repair to the southern army with all possible diligence.

Upon information received at Hillsborough from Huger of South Carolina, Gates formed his plan to

march directly to Camden, confident of its easy capture and the consequent recovery of the country. To Kalb he wrote: "Enough has already been lost in a vain defence of Charleston; if more is sacrificed, the southern states are undone; and this may go nearly to undo the rest."

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Arriving in the camp of Kalb, he was confirmed in his purpose by Thomas Pinckney, who was his aid, and by Marion. It was the opinion of Kalb, that the enemy would not make a stand at Camden.¹ His first words ordered the troops to be prepared to march at a moment's warning. The safest route, recommended by a memorial of the principal officers, was by way of Salisbury and Charlotte, through a most fertile, salubrious, and well-cultivated country, inhabited by presbyterians who were heartily attached to the cause of independence, and among whom a post for defence might have been established in case of disaster. But Gates was impatient; and having detached Marion towards the interior of South Carolina to watch the motions of the enemy and furnish intelligence, he, on the morning of the twenty-seventh of July, put what he called the "grand army" on its march by the shortest route to Camden through a barren country which could offer no food but lean cattle, fruit, and unripe maize.

July
27.

On the third of August, the army crossed the Pedee river, making a junction on its southern bank with Lieutenant-Colonel Porterfield of Virginia, an excellent officer, who had been sent to the relief of Charleston, and had kept his small command on the frontier of South Carolina, having found means to subsist

Aug.
3.

¹ Kalb's letters, captured by the British.

CHAP. XV. them and to maintain the appearance of holding that
 1780. part of the country.

Aug. The force of which Gates could dispose was greater than that which could be brought against him; it revived the hopes of the South Carolinians who were writhing under the insolence of an army in which every soldier was a licensed plunderer, and every officer a functionary with power to outlaw peaceful citizens at will. The British commander on the Pedee called in his detachments, abandoned his post on the Cheraw hill, and repaired to Lord Rawdon at Camden. An escort of Carolinians who had been forced to take up arms on the British side rose against their officers, and made prisoners of a hundred and six British invalids who were descending the Pedee river. A large boat from Georgetown, laden with stores for the British at Cheraw, was seized by Americans. A general revolt in the public mind against British authority invited Gates onwards. To the encouragements of others the general added his own illusions; he was confident that Cornwallis, with detached troops from his main body, was gone to Savannah,¹ and from his camp on the Pedee he announced on the fourth, by a proclamation, that their late triumphant and insulting foes had retreated with precipitation and dismay on the approach of his numerous, well-appointed, and formidable army; forgiveness was promised to those who had been forced to profess allegiance, and pardon was withheld only from those apostate sons of America who should hereafter support the enemy.

7. On the seventh, at the Cross Roads, the troops with Gates made a junction with the North Carolina mi-

¹ Kapp's Kalb, 213.

litia under Caswell, and proceeded towards the enemy at Lynch's creek. CHAP.
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In the following night that post was abandoned; and Lord Rawdon occupied another on the southern bank of Little Lynch's creek, unassailable from the deep muddy channel of the river, and within a day's march of Camden. Here he was joined by Tarleton with a small detachment of cavalry, who on their way had mercilessly ravaged the country on the Black river as a punishment to its patriot inhabitants, and as a terror to the dwellers on the Wateree and Santee. By a forced march up the stream, Gates could have turned Lord Rawdon's flank, and made an easy conquest of Camden. Missing his only opportunity, on the eleventh, after a useless halt of two days he defiled by the right, and, marching to the north of Camden, on the thirteenth encamped at Clermont, which the British had just abandoned. The time thus allowed, Rawdon used to strengthen himself by four companies from Ninety-Six, as well as by the troops from Clermont, and to throw up redoubts at Camden. 1780.
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On the evening of the tenth, Cornwallis left Charleston and arrived at Camden before the dawn of the fourteenth. At ten o'clock on the night of the fifteenth, he set his troops in motion in the hope of joining battle with the Americans at the break of day. 11.
13.

On the fourteenth, Gates had been joined by seven hundred Virginia militia under the command of Stevens. On the same day Sumpter, appearing in camp with four hundred men, asked for as many more to intercept a convoy with its stores on the 10.
14.
15.
14.

CHAP. road from Charleston to Camden. Gates, who be-
XV. lieved himself at the head of seven thousand men,
1780. granted his request. Sumpter left the camp, taking
Aug. with him eight hundred men, and on the next morn-
ing captured the wagons and their escort.

15. An exact field return proved to Gates that he had but three thousand and fifty-two rank and file present and fit for duty. "These are enough," said he, "for our purpose;" and on the fifteenth he communicated to a council of officers an order to begin their march at ten o'clock in the evening of that day. He was listened to in silence. Many wondered at a night march of an army of which more than two-thirds were militia, that had never even been paraded together; but Gates, who had the "most sanguine confidence of victory and the dispersion of the enemy," appointed no place for rendezvous, and began his march before his baggage was sufficiently in the rear.

16. At half-past two on the morning of the sixteenth, about nine miles from Camden, the advance guard of Cornwallis fell in with the advance guard of the Americans. To the latter the collision was a surprise. Their cavalry was in front, but Armand, its commander, who disliked his orders, was insubordinate; the horsemen in his command turned suddenly and fled; and neither he nor they did any service that night or the next day. The retreat of Armand's legion produced confusion in the first Maryland brigade, and spread consternation throughout the army, till the light infantry on the right under the command of Colonel Porterfield threw back the party that made the attack and restored order; but at a

great price, for Porterfield received a wound which proved mortal.

To a council of the American general officers held immediately in the rear of the lines, Gates communicated the report of a prisoner, that a large regular force of British troops under Cornwallis was five or six hundred yards in their front, and submitted the question whether it would be proper to retreat. Stevens declared himself eager for battle, saying that "the information was but a stratagem of Rawdon to escape the attack." No other advice being offered, Gates desired them to form in line of battle.

The position of Lord Cornwallis was most favorable. A swamp on each side secured his flanks against the superior numbers of the Americans. At daybreak his last dispositions were made. The front line, to which were attached two six-pounders and two three-pounders, was commanded on the right by Lieutenant-Colonel Webster, on the left by Lord Rawdon. A battalion with a six-pounder was posted behind each wing as a reserve. The cavalry were in the rear ready to charge or to pursue.

On the American side, the second Maryland brigade, of which Gist was brigadier, and the men of Delaware, occupied the right under Kalb; the North Carolina division with Caswell, the centre; and Stevens with the newly arrived Virginia militia, the left: the best troops on the side strongest by nature, the worst on the weakest. The first Maryland brigade, at the head of which Smallwood should have appeared, formed a second line about two hundred yards in the rear of the first. The artillery was divided between the two brigades.

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16.

Gates took his place in the rear of the second line. He gave no order till Otho Williams proposed to him to begin the attack with the brigade of Stevens, his worst troops, who had been with the army only one day. Stevens gave the word, and, as they prepared to move forward, Cornwallis ordered Webster, whose division contained his best troops, to assail them, while Rawdon was to engage the American right. As the British with Webster rushed on, firing and shouting huzza, Stevens reminded his militia that they had bayonets; but they had received them only the day before and knew not how to use them; so, dropping their muskets, they escaped to the woods with such speed that not more than three of them were killed or wounded.

Caswell and the militia of North Carolina, except the few who had Gregory for their brigadier, followed the example; so that nearly two-thirds of the army fled without firing a shot. Gates writes of them, as an eye-witness: "The British cavalry continuing to harass their rear, they ran like a torrent and bore all before them;" that is to say, the general himself was borne with them. They took to the woods and dispersed in every direction, while Gates disappeared entirely from the scene, taking no thought for the continental troops whom he left at their posts in the field, and flying, or, as he called it, retiring as fast as possible to Charlotte.

The militia having been routed, Webster came round the flank of the first Maryland brigade, and attacked them in front and on their side. Though Smallwood was nowhere to be found, they were sustained by the reserve, till the brigade was outflanked

by greatly superior numbers, and obliged to give ground. After being twice rallied, they finally retreated. The division which Kalb commanded continued long in action, and never did troops show greater courage than these men of Maryland and Delaware. The horse of Kalb had been killed under him, and he had been badly wounded; yet he continued the fight on foot. At last, in the hope that victory was on his side, he led a charge, drove the division under Rawdon, took fifty prisoners, and would not believe that he was not about to gain the day, when Cornwallis poured against him a party of dragoons and infantry. Even then he did not yield, until disabled by many wounds.

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The victory cost the British about five hundred of their best troops; "their great loss," wrote Marion, "is equal to a defeat." How many Americans perished on the field or surrendered is not accurately known. They saved none of their artillery, and little of their baggage. Except one hundred continental soldiers whom Gist conducted across the swamps, through which the cavalry could not follow, every corps was dispersed. The canes and underwood that hid them from their pursuers separated them from one another.

Kalb lingered for three days; but before he closed his eyes he bore an affectionate testimony to the exemplary conduct of the division which he had commanded, and of which two-fifths had fallen in battle. Opulent and happy in his wife and children, he gave to the United States his life and his example. Congress voted him a monument. The British parliament voted thanks to Cornwallis.

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Gates and Caswell, who took to flight with the militia, gave up all for lost; and, leaving the army without orders, rode in all haste to Clermont, which they reached ahead of all the fugitives, and then pressed on and still on, until, late in the night, the two generals escorted each other into Charlotte. The next morning Gates, who was a petty intriguer, not a soldier, left Caswell to rally such troops as might come in; and himself sped to Hillsborough, where the North Carolina legislature was soon to meet, riding altogether more than two hundred miles in three days and a half, and running away from his army so fast and so far that he knew nothing about its condition. Caswell, after spending one day at Charlotte, disobeyed the order, and followed the example of his chief.

19. On the nineteenth, American officers, coming into Charlotte, placed their hopes of a happier turn of events on Sumpter, who commanded the largest American force that now remained in the Carolinas.
15. That detachment had on the fifteenth captured more than forty British wagons laden with stores,
16. and secured more than a hundred prisoners. On hearing of the misfortunes of the army of Gates, Sumpter retreated slowly and carelessly up the
17. Wateree. On the seventeenth, he remained through the whole night at Rocky Mount, though he knew that the British were on the opposite side of the river, and in possession of boats and the ford. On
18. the eighteenth, he advanced only eight miles; and on the north bank of Fishing creek, at bright mid-day, his troops stacked their arms; some took repose; some went to the river to bathe; some strolled

in search of supplies; and Sumpter himself fell fast asleep in the shade of a wagon. In this state, a party under Tarleton cut them off from their arms and put them to rout, taking two or three hundred of them captive, and recovering the British prisoners and wagons. On the twentieth, Sumpter rode into Charlotte alone, without hat or saddle.

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CHAPTER XVI.

CORNWALLIS AND THE MEN OF THE SOUTH AND WEST.

1780.

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1780.

FROM the moment of his victory near Camden, Cornwallis became the principal figure in the British service in America, — the pride and delight of Germany, the desired commander-in-chief, the one man on whom rested the hopes of the ministry for the successful termination of the war. His friends disparaged the ability of Sir Henry Clinton, accused him of hating his younger and more enterprising compeer, and censured him for leaving at the south forces disproportioned to the service for which they were required.

We are come to the series of events which closed the American contest and restored peace to the world. In Europe the sovereigns of Prussia, of Austria, of Russia, were offering their mediation; the united Netherlands were struggling to preserve their neutrality; France was straining every nerve to cope with her rival in the four quarters of the globe;

Spain was exhausting her resources for the conquest of Gibraltar; but the incidents which overthrew the ministry of North, and reconciled Great Britain to America, had their springs in South Carolina. CHAP.
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Cornwallis, elated with success and hope, prepared for the northward march which was to conduct him from victory to victory, till he should restore all America south of Delaware to its allegiance. He was made to believe that North Carolina would rise to welcome him, and, in the train of his flatterers, he carried Martin, its former governor, who was to re-enter on his office. He requested Clinton to detach three thousand men to establish a post on the Chesapeake bay; and Clinton knew too well the wishes of the British government to venture to refuse.

In carrying out his plan, the first measure of Cornwallis was a reign of terror. Professing to regard South Carolina as restored to the dominion of George the Third, he accepted the suggestions of Martin and Tarleton, and the like, that severity was the true mode to hold the recovered province. He therefore addressed the most stringent orders to the commanders at Ninety-Six and other posts, to imprison all who would not take up arms for the king, and to seize or destroy their whole property. He most positively enjoined that every militia-man who had borne arms with the British and had afterwards joined the Americans should be hanged immediately. He set up the gallows at Camden for the indiscriminate execution of those among his prisoners who had formerly given their parole, even when it had been kept till it was cancelled by the proclamation of

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Clinton. To bring these men to the gibbet was an act of military murder.

1780. The destruction of property and life assumed still more hideous forms, when the peremptory orders and example of Cornwallis were followed by subordinates in remote districts away from supervision. Cruel measures seek and are sure to find cruel executive agents; officers whose delight was in blood patrolled the country, burned houses, ravaged estates, and put to death whom they would. The wives and daughters of the opulent were left with no fit clothing, no shelter but a hovel too mean to attract the destroyer. Of a sudden, the woodman in his cabin would find his house surrounded, and he himself or his guest might be shot, because he was not in arms for the king. There was no question of proofs and no trial. For two years cold-blooded assassinations, often in the house of the victim and in the presence of his wife and little children, were perpetrated by men holding the king's commission, and they obtained not indemnity merely, but rewards for their zeal. The enemy were determined to break every man's spirit, or to ruin him. No engagement by proclamation or by capitulation was respected.

The ruthless administration of Cornwallis met the hearty and repeated applause of Lord George Germain, who declared himself convinced that "to punish rebellion would have the best consequences." As to the rebels, his orders to Clinton and Cornwallis were:¹ "No good faith or justice is to be expected from them, and we ought in all our transactions with them to act upon that supposition." In this manner

¹ Germain to Clinton, 9 Nov., 1780.

the minister released his generals from their pledges to those on whom they made war.

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In violation of agreements, the continental soldiers who capitulated at Charleston, nineteen hundred in number, were transferred from buildings in the town to prison-ships, where they were joined by several hundred prisoners from Camden. In thirteen months one-third of the whole number perished by malignant fevers; others were impressed into the British service as mariners; several hundred young men were taken by violence on board transports, and forced to serve in a British regiment in Jamaica, leaving wives and young children to want. Of more than three thousand confined in prison-ships, all but about seven hundred were made away with.

On the capitulation of Charleston, eminent patriots remained prisoners on parole. Foremost among these stood the aged Christopher Gadsden, whose unselfish love of country was a constant encouragement to his countrymen never to yield. Before his majesty of character, the timid good were abashed and their oppressors were rebuked. His persuasive example of republican virtue could not be endured; and, therefore, eleven days after the American defeat, he and the equally inflexible Arthur Rutledge and many others were early in the morning taken from their houses by armed parties, and transported to St. Augustine in violation of their stipulated rights. Gadsden and others refused to give a new parole, and were immured in the castle of St. Mark.

The system of slaveholding kept away from defensive service not only more than half the population, whom the planters would not suffer to be armed, but

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the numerous bodies who must watch the black men, if they were to be kept in bondage while war was raging. Moreover, the moral force of their owners was apt to become enervated. Men deriving their livelihood from the labor of slaves ceased to respect labor, and shunned it as a disgrace. Some had not the courage to face the idea of poverty for themselves, still less for their wives and children. Many fainted at the hard option between submission and ruin. Charles Pinckney, lately president of the South Carolina senate, classing himself among those who from the hurry and confusion of the times had been misled, desired to show every mark of allegiance. Rawlins Lowndes, who but a few months before had been president of the state of South Carolina, excused himself for having reluctantly given way to necessity, and accepted any test that might be required to prove that, with the unrestrained dictates of his own mind, he now attached himself to the royal government. Henry Middleton, president of the first American congress, though still "partial to a cause for which he had been so long engaged," promised to do nothing to keep up the spirit of independence, and to demean himself as a faithful subject.

But the people of South Carolina were never conquered. From the moment of the fall of Charleston, Colonel James Williams, of the district of Ninety-Six, did not rest in gathering the armed friends of the union. From the region above Camden, Sumpter and his band hovered over all British movements. "Sumpter certainly has been our greatest plague in this country," writes Cornwallis.

In the swamps between the Pedee and the Santee, Marion and his men kept watch. Of a delicate organization, sensitive to truth and honor and right, humane, averse to bloodshed, never wreaking vengeance nor suffering those around him to do so, scrupulously respecting private property, he had the love and confidence of all people in that part of the country. Tarleton's legion had laid it waste to inspire terror; and, in unrestrained freedom of motion, partisans gathered round Marion to redeem their land.

A body of three hundred royalist militia and two hundred regular troops had established a post at Musgrove's Mills on the Enoree river. On the eighteenth of August they were attacked by inferior numbers under Williams of Ninety-Six, and routed with sixty killed and more than that number wounded. Williams lost but eleven.¹

At dawn of the twentieth, a party, convoying a hundred and fifty prisoners of the Maryland line, were crossing the great Savannah near Nelson's ferry on the Santee, on the route from Camden to Charleston, when Marion and his men sprang upon the guard, liberated the prisoners, and captured twenty-six of the escort.

"Colonel Marion," wrote Cornwallis, "so wrought on the minds of the people, that there was scarcely an inhabitant between the Pedee and the Santee that was not in arms against us. Some parties even crossed the Santee and carried terror to the gates of Charleston." Balfour, the commandant of Charleston, wrote home: "In vain we expected loyalty and attachment from the inhabitants; they are the same

¹ Fanning's Narrative, 12.

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CHAP. XVI. stuff as compose all Americans.”¹ The British historian of the war, who was then in South Carolina, relates that “almost the whole country seemed upon the eve of a revolt.”

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In the second week of September, when the heats of summer had abated, the earlier cereal grains had been harvested and the maize was nearly ripe, Cornwallis began his projected march. He relied on the loyalists of North Carolina to recruit his army. On his left, Major Patrick Ferguson, the ablest British partisan, was sent with two hundred of the best troops to the uplands of South Carolina, where he enlisted young men of that country, loyalists who had fled to the mountains for security, and fugitives of the worst character who sought his standard for safety and the chances of plundering with impunity.

The Cherokees had been encouraged during the summer to join insurgent loyalists in ravaging the American settlements west of the mountains as far as Chiswell's lead mines. Against this danger, Jefferson organized, in the south-western counties of the state of which he was the governor, a regiment of four hundred backwoodsmen under the command of Colonel William Campbell, brother-in-law of Patrick Henry; and in an interview with William Preston, the lieutenant of Washington county, as the south-west of Virginia was then called, he dwelt on the resources of the country, the spirit of congress, and the character of the people; and for himself and for his state would admit no doubt that, in spite of all disasters, a continued vigorous resistance would bring the war to a happy issue.

¹ Balfour to Strachey, 30 Aug., 1780, in Strachey Papers, 79, 80.

At Waxhaw, Cornwallis halted for a few days, and, that he might eradicate the spirit of patriotism from South Carolina before he passed beyond its borders, he, on the sixteenth day of September, sequestered by proclamation all estates belonging to the friends of America, and appointed a commissioner for the seizure of such estates, both real and personal. The concealment, removal, or injury of property doomed to confiscation, was punishable as an abetting of rebellion. The sequestration extended to debts due to the person whose possessions were confiscated; and, to prevent collusive practices, a great reward was offered to those who should make discovery of the concealment of negroes, horses, cattle, plate, household furniture, books, bonds, deeds, and other property. To patriots no alternative was left but to fight against their country and their consciences, or to encounter exile and poverty.

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The custom of military executions of Carolinians taken in arms was vigorously maintained, and the chiefs of the Cherokees were at that very time on their way to Augusta to receive the presents which were to stimulate their activity. Aware of their coming, Clark, a fugitive from Georgia, forced his way back with one hundred riflemen; having joined to them a body of woodsmen, he defeated the British garrison under Colonel Brown at Augusta, and captured the costly presents designed for the Cherokees. The moment was critical; for Cornwallis, in his eagerness to draw strength to his own army, had not left a post or a soldier between Augusta and Savannah, and the alienated people had returned most reluctantly to a state of obedience. With a

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corps of one hundred provincials and one hundred Cherokees, Brown maintained a position on Garden Hill for nearly a week, when he was rescued by Cruger from Ninety-Six. At his approach, the Americans retired. On the pursuit some of them were scalped and some taken prisoners. Of the latter, Captain Ashby and twelve others were hanged under the eyes of Brown; thirteen who were delivered to the Cherokees were killed by tortures, or by the tomahawk, or were thrown into fires. Thirty in all were put to death by the orders of Brown.

Cruger desired to waylay and capture the retreating party, and Ferguson eagerly accepted his invitation to join in the enterprise. Cruger moved with circumspection, taking care not to be led too far from the fortress of Ninety-Six; Ferguson was more adventurous, having always the army of Cornwallis on his right. On the waters of Broad river his party encountered Macdowell with one hundred and sixty militia from Burk and Rutherford counties in North Carolina, pursued them to the foot of the mountains, and left them no chance of safety but in fleeing beyond the Alleghanies.

During these events, Cornwallis encountered no serious impediment till he approached Charlotte. There his van was driven back by the fire of a small body of mounted men, commanded by Colonel William Richardson Davie of North Carolina. The general rode up in person, and the American party was dislodged by Webster's brigade; but not till the little band of mounted Americans, scarcely forty in number, had for several minutes kept the British army at bay.

From Charlotte Cornwallis pursued his course towards Salisbury. Meantime, the fugitives under Macdowell recounted the sorrows of their families to the emigrant freemen on the Watauga, among whom slavery was scarcely known. The backwoodsmen, though remote from the world, love their fellow-men. In the pure air and life of the mountain and the forest, they join serenity with courage. They felt for those who had fled to them; with one heart they resolved to restore the suppliants to their homes, and for that purpose formed themselves into regiments under Isaac Shelby and John Sevier. Shelby despatched a messenger to William Campbell on the forks of Holston; and the field-officers of south-western Virginia unanimously resolved that he, with four hundred men, should join in the expedition. An express was sent to Colonel Cleaveland of North Carolina; and all were to meet at Burk county court-house, on the waters of the Catawba. The three regiments from the west of the Alleghanies under Campbell, Shelby, and Sevier, and the North Carolina fugitives under Macdowell, assembled on the twenty-fifth of September at Watauga. On the next day — each man mounted on his own horse, armed with his own rifle, and carrying his own store of provisions — they began the ride over the mountains, where the passes through the Alleghanies are the highest. Not even a bridle-path led through the forest, nor was there a house for forty miles between the Watauga and the Catawba. The men left their families in secluded valleys, distant one from the other, exposed not only to parties of royalists, but of Indians. In the evening of the thirtieth, they

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formed a junction with the regiment of Colonel Benjamin Cleaveland, consisting of three hundred and fifty men from the North Carolina counties of Wilkes and Surrey. The next day Macdowell was despatched to request Gates to send them a general officer; "till he should arrive, Campbell was chosen to act as commandant."

Ferguson, who had pursued the party of Macdowell to the foot of the Alleghanies, and had spread the terror of invasion beyond them, moved eastwardly towards Cornwallis by a road from Buffalo ford to King's Mountain, which offered ground for a strong encampment. Of the parties against him he thus wrote to Cornwallis: "They are become an object of consequence. I should hope for success against them myself; but, numbers compared, that must be doubtful. Three or four hundred good soldiers, part dragoons, would finish the business. Something must be done soon. This is their last push in this quarter."

On receiving this letter, Cornwallis ordered Tarleton to march with the light infantry, the British legion, and a three-pounder to his assistance.

At that time Colonel James Williams was about seventy miles from Salisbury, in the forks of the Catawba, with nearly four hundred and fifty horsemen, in pursuit of Ferguson. Wise and vigilant, he kept out scouts on every side, scorning surprise; and on the second of October one of them brought him news that "rejoiced his heart," that one-half of the whole population beyond the mountains were drawing near.

Following a path between King's Mountain and the main ridge of the Alleghanies, "the western army," so they called themselves, under Campbell,

already more than thirteen hundred strong, marched to the Cowpens on Broad river, where, on the evening of the sixth, they were joined by Williams with four hundred men. From Williams they learned nearly where Ferguson's party was encamped; and a council of the principal officers decided to go that very night to strike them by surprise. For this end they picked out nine hundred of their best horsemen; at eight o'clock on that same evening they began their march. Riding all night, with the moon two days past its first quarter, on the afternoon of the seventh they were at the foot of King's Mountain.

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The little brook that ripples through the narrow valley flows in an easterly direction. The mountain, which rises a mile and a half south of the line of North Carolina, is the termination of a ridge that branches from the north-west to the south-east from a spur of the Alleghanies. The British, in number eleven hundred and twenty-five, of whom one hundred and twenty-five were regulars, were posted on its summit, "confident that they could not be forced from so advantageous a post," to which the approach was precipitously steep, the slaty rock cropping out in craggy cliffs and forming natural breastworks along its sides and on its heights.

The Americans dismounted, and, though inferior in numbers, formed themselves into four columns. A part of Cleaveland's regiment headed by Major Winston, and Colonel Sevier's regiment, formed a large column on the right wing. The other part of Cleaveland's regiment, headed by Cleaveland himself, and the regiment of Williams, composed the left wing. The post of extreme danger was assigned to the

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column formed by Campbell's regiment on the right centre, and Shelby's regiment on the left centre; so that Sevier's right nearly adjoined Shelby's left. The right and left wings were to pass the position of Ferguson, and from opposite sides climb the ridge in his rear, while the two central columns were to attack in front. In this order "the western army" advanced to within a quarter of a mile of the enemy before they were discovered.

The two centre columns, headed by Campbell and Shelby, climbing the mountain, began the attack. Shelby, a man of the hardest make, stiff as iron, among the dauntless singled out for dauntlessness, went right onward and upward like a man who had but one thing to do, and but one thought, — to do it. The British regulars with fixed bayonets charged Campbell; and his riflemen, who had no bayonets, were obliged to give way for a short distance; but "they were soon rallied by their gallant commander and some of his active officers,"¹ and "returned to the attack with additional ardor."

The two centre columns, with no aid but from a part of Sevier's regiment, kept up a furious and bloody battle² with the British for ten minutes,³ when the right and left wings of the Americans, advancing upon their flank and rear, "the fire became general

¹ Colonel Isaac Shelby to Colonel Arthur Campbell, 12 Oct., 1780.

² Colonel Isaac Shelby, in the *National Intelligencer* of 6 May, 1823. This later account, written in old age, and from memory, is not equal in authority to the statement and letters of Oct., 1780.

³ "About five minutes," Protocol of the officers; "about ten minutes," Colonel W. Campbell to Colonel Arthur Campbell, 20 Oct., 1780; "about fifteen minutes," Colonel Isaac Shelby to Colonel Arthur Campbell, 12 Oct., 1780.

all around." For fifty-five minutes longer the fire on both sides was heavy and almost incessant. The regulars with bayonets could only make a momentary impression. At last, the right wing gained the summit of the eminence, and the position of the British was no longer tenable. Ferguson having been killed, the enemy attempted to retreat along the top of the ridge; but, finding themselves held in check by the brave men of Williams and Cleaveland, Captain Deppester, the commanding officer of the British, hoisted a flag. The firing immediately ceased; the enemy laid down their arms and surrendered themselves prisoners at discretion.

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The loss of the British on that day was at least eleven hundred and four. Four hundred and fifty-six of them were either killed, or too severely wounded to leave the ground; the number of prisoners was six hundred and forty-eight. On the American side the regiment of Campbell suffered more than any other in the action; the total loss was twenty-eight killed and sixty wounded. But among those who fell was Colonel James Williams of Ninety-Six, a man of an exalted character, of a career brief but glorious. An ungenerous enemy revenged themselves for his virtues by nearly extirpating his family; they could not take away his right to be remembered by his country with honor and affection to the latest time.

Among the captives there were house-burners and assassins. Private soldiers — who had witnessed the sorrows of women and children, robbed and wronged, shelterless, stripped of all clothes but what they wore, nestling about fires kindled on the ground, and mourning for their fathers and husbands — executed nine or

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ten in retaliation for the frequent and barbarous use of the gallows at Camden, Ninety-Six, and Augusta. At once Campbell intervened, and in general orders, by threatening the delinquents with certain and effectual punishment, secured protection to the prisoners.¹

Just below the forks of the Catawba the tidings of the defeat reached Tarleton; his party in all haste rejoined Cornwallis. The victory at King's Mountain, which in the spirit of the American soldiers was like the rising at Concord, in its effects like the successes at Bennington, changed the aspect of the war. The loyalists of North Carolina no longer dared rise. It fired the patriots of the two Carolinas with fresh zeal. It encouraged the fragments of the defeated and scattered American army to seek each other and organize themselves anew. It quickened the North Carolina legislature to earnest efforts. It encouraged Virginia to devote her resources to the country south of her border. The appearance on the frontiers of a numerous enemy from settlements beyond the mountains, whose very names had been unknown to the British, took Cornwallis by surprise, and their success was fatal to his intended expedition. He had hoped to step with ease from one Carolina to the other, and from these to the conquest of Virginia; and he had now no choice but to retreat.

14. On the evening of the fourteenth, his troops began their march back from Charlotte to the Catawba ford. The men of Mecklenburg and Rowan counties had disputed his advance; they now harassed his foraging parties, intercepted his despatches, and cut

¹ Campbell's General Orders, 11 Oct., 1780.

off his communications. Soldiers of the militia hung on his rear. Twenty wagons were captured, laden with stores and the knapsacks of the light infantry legion. Single men would ride within gunshot of the retreating army, discharge their rifles, and escape.

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The Catawba ford was crossed with difficulty on account of a great fall of rain. For two days the royal forces remained in the Catawba settlement, Cornwallis suffering from fever, the army from want of forage and provisions. The command on the retreat fell to Rawdon. The soldiers had no tents. For several days it rained incessantly. Waters and deep mud choked the roads. At night the army bivouacked in the woods in unwholesome air. Sometimes it was without meat; at others without bread. For five days it lived upon Indian-corn gathered from the fields, five ears being the day's allowance for two soldiers. But for the personal exertions of the militia, most of whom were mounted, the army would not have been supported in the field; and yet, in return for their exertions, they were treated with derision and even beaten by insolent British officers. After a march of fifteen days, the army encamped at Winnsborough, an intermediate station between Camden and Ninety-Six.

All the while Marion had been on the alert. Two hundred tories had been sent in September to surprise him; and with but fifty-three men he first surprised a part of his pursuers, and then drove the main body to flight.

Sept.

At Black Mingo, on the twenty-eighth, he made a successful attack on a guard of sixty militia, and took

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prisoners those who were under its escort. The British were burning houses on Little Pedee, and he permitted his men of that district to return to protect their wives and families; but he would not suffer retaliation, and wrote with truth: "There is not one house burned by my orders or by any of my people. It is what I detest, to distress poor women and children."

Nov.
5.

"I most sincerely hope you will get at Mr. Marion," wrote Cornwallis on the fifth of November, as he despatched Tarleton in pursuit of him. This officer and his corps set fire to all the houses, and destroyed all the corn from Camden down to Nelson's ferry; beat the widow of a general officer because she could not tell where Marion was encamped, burned down her dwelling, laid waste everything about it, and did not leave her a change of raiment. The line of his march could be traced by groups of houseless women and children, once of ample fortune, sitting round fires in the open air.

As for Marion, after having kept his movements secret, and varied his encampment every night, his numbers increased; then, selecting a strong post "within the dark morass," he defied an attack. But just at that moment Tarleton was recalled in haste to repel new dangers impending from another quarter.

Sumpter had rallied the patriots in the country above Camden, and in frequent skirmishes kept the field. Mounting his partisans, he intercepted British supplies of all sorts, and sent parties within fourteen miles of Winnsborough. Having ascertained the number and position of his troops, Cornwallis despatched a party under Major Wemyss against him.

After a march of twenty-four miles with mounted infantry, Wemyss reached Fishdam on Broad river, the camp of General Sumpter, and at the head of his corps charged the picket. The attack was repelled; he himself was wounded and taken prisoner. A memorandum was found upon him of houses burned by his command. He had hanged Adam Cusack, a Carolinian, who had neither given his parole nor accepted protection nor served in the patriot army; yet his captors would not harm a man who was their prisoner.

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The position of the British in the upper country became precarious. Sumpter passed the Broad river, formed a junction with Clark and Brennan, and threatened Ninety-Six. Tarleton was therefore suddenly recalled from the pursuit of Marion, and ordered to take the nearest path against Sumpter. One regiment was sent forward to join him on his march; another followed for his support. Apprised of Tarleton's approach, Sumpter posted himself strongly on the plantation of Blackstock. At five in the afternoon of the twentieth of November, Tarleton drew near in advance of his light infantry; and with two hundred and fifty mounted men he made a precipitate attack on Sumpter's superior force. The hill-side in front of the Americans was steep; their rear was protected by the rapid river Tyger; their left was covered by a large barn of logs, between which the riflemen could fire with security. The sixty-third British regiment having lost its commanding officer, two lieutenants, and one-third of its privates, Tarleton retreated, leaving his wounded to the mercy of the victor. The loss of Sumpter was very small; but being himself disabled by a severe wound, he

20.

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XVI. him.

1780. By the lavish distribution of presents, the Indian agents obtained promises from the chiefs of twenty-five hundred Cherokees, and a numerous body of Creeks to lay waste the settlements on the Watauga, Holstein, Kentucky, and Nolachuckie, and even to extend their ravages to the Cumberland and Green rivers; so that the attention of the mountaineers might be diverted to their own immediate concerns. Moreover, Cornwallis gave orders to the re-enforcement of three thousand sent by Clinton into the Chesapeake to embark for Cape Fear river. So ended the first attempt of Cornwallis to penetrate to Virginia. He was driven back by the spontaneous risings of the southern and south-western people; and the unwholesome exhalations of autumn swept men from every garrison in the low country faster than Great Britain could replace them.

CHAPTER XVII.

THE RISE OF FREE COMMONWEALTHS.

1780.

FREEDOM is of all races and of all nationalities. It is in them all older than bondage, and ever rises again from the enslavements laid on by the hand of violence or custom or abuse of power; for the rights of man spring from eternal law, are kept alive by the persistent energy of constant nature, and by their own indestructibility prove their lineage as the children of omnipotence.

In an edict of the eighth of August, 1779, Louis the Sixteenth announced "his regret that many of his subjects were still without personal liberty and the prerogatives of property, attached to the glebe, and, so to say, confounded with it." To all serfs on the estates of the crown he therefore gave back personal liberty, security in the enjoyment of the fruits of their own labor, with the rights of family and inheritance. It was his wish to do away, with torture, so with every vestige of a rigorous

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1780. feudalism; but he was restrained by his respect for the laws of property, which he held to be the groundwork of order and justice. The delivering up of a runaway serf was in all cases forbidden; for emancipation, outside of his own domains, he did no more than give leave to other proprietors to follow his example, to which, from mistaken selfishness, even the clergy would not conform. But the words of the king spoken to all France deeply branded the wrong of keeping Frenchmen in bondage to Frenchmen.

1782. In Oberyssel, a province of the Netherlands, Baron van der Capellen tot den Pol, the friend of America, had seen with the deepest sorrow the survival of the ancient system of villanage; and, in spite of the resistance and sworn hatred of almost all the nobles, he, in 1782, brought about its complete abolition.

Here the movement for emancipation during the American revolution ceased for the old world. "He that says slavery is opposed to Christianity is a liar," wrote Luther in the sixteenth century. "The laws of all nations sanction slavery; to condemn it is to condemn the Holy Ghost," were the words of Bossuet near the end of the seventeenth. In the last quarter of the eighteenth, the ownership of white men by white men still blighted more than the half of Europe.

1780. The evil shielded itself under a new plea, where a difference of skin set a visible mark on the victims of commercial avarice, and strengthened the ties of selfishness by the pride of race. Yet at that time the United States, as a nation, wished treaties of the most perfect friendship and commerce with the emperor of Morocco. In England Edmund Burke seemed to be singled out to lead an impassioned war-

fare against negro slavery; and in 1780 he tasked himself to find out what laws could check the new form of servitude which wrapt all quarters of the globe in its baleful influences. Deliberating calmly on what could be done, and revered by one-half of his countrymen as an oracle on questions of liberty, he did not see a glimmering of hope even for an abolition of the trade in slaves, and only aimed at establishing regulations for their safe and comfortable transportation. He was certain that no one of them was ever so beneficial to the master as a freeman who deals with him on equal footing by convention, that the consumer in the end is always the dupe of his own tyranny and injustice; yet he suggested nothing more for slave plantations than some supervision by the state, and some mitigation of the power of the master to divide families by partial sales. Burke for himself inclined to a gradual emancipation; yet his code for the negroes was founded on the conviction that slavery was "an incurable evil." Overborne by the opinion of those around him, he sought only to make it as small an evil as possible, and to draw out of it some collateral good.

George the Third was the fast friend of the slave-trade; and Thurlow, one of his chancellors, so late as 1799 insisted that slavery was sanctioned by Scripture, and that the bill to terminate the slave-trade was "altogether miserable and contemptible." Yet the quality of our kind is such that a government cannot degrade a race without marring the nobleness of human nature.

So long as the legislation of the several English colonies in America remained subject to the veto

CHAP. of the king, all hope of forbidding or even limiting
 XVII. the bringing of negro slaves into them was with-
 1780. stood by the mother country. Now that they were
 free, the end of slavery might come either from the
 central government or from the several states.

1774. We have seen how the first congress formed an
 association "wholly to discontinue the slave-trade,"
 and also how the denunciation of the slave-trade and
 of slavery by Jefferson in his draft of the declaration
 1776. of independence was rejected by the congress of 1776
 in deference to South Carolina and Georgia.

A few days later, in the earliest debates on the plan
 of confederation, the antagonism between the north-
 ern and southern states, founded on climate, pursuits,
 and labor, broke out on the first effort to unite them
 permanently. When members from the north spoke
 freely of the evil of slavery, a member from South
 Carolina declared that "if property in slaves should
 be questioned, there must be an end of confeder-
 ation." In the same month, the vote on taxing per-
 sons claimed as property laid bare the existence of
 a territorial division of parties; the states north of
 Mason and Dixon's line voting compactly on the one
 side, and those south of that line which were duly
 represented, on the other.

1778. The clashing between the two sections fastened
 the attention of reflecting observers.¹ In August,

¹ That this antagonism between the north and south went back to the old congress and showed itself in an ever re-appearing division of parties was told me nearly forty years ago by Mr. Madison. The ability to trace this antagonism in detail I owe very much to M. Guizot and M. Mignet. M. Gui-

zot, when minister of foreign affairs in France, with that largeness of liberality which belonged to his own high position in the world of letters and his constant devotedness to the ascertainment of historic truth, opened the archives of his country for my unrestricted inspection. Full effect was given

1778, soon after the reception at Philadelphia of an envoy from France, he reported to Vergennes: CHAP.
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 “The states of the south and of the north, under 1778.
 existing subjects of division and estrangement, are two distinct parties, which at present count but few deserters. The division is attributed to moral and philosophical causes.” He further reported that the cabal against Washington found supporters exclusively in the north.

The French minister desired to repress the ambition of congress for the acquisition of territory, because it might prove an obstacle to connection with Spain; and he found support in northern men. Their hatred of slavery was not an impulse of feeling, but an earnest conviction. No one could declare himself more strongly for the freedom of the negro than Gouverneur Morris of New York, a man of business and a man of pleasure. His hostility to slavery brought him into some agreement with the policy of Gérard, to whom one day in October he said that Spain would have no cause to fear the great body of the confederation, for reciprocal jealousy and separate interests would never permit its members to unite against her; that several of the most enlightened of his colleagues were struck with the necessity of establishing a law “*de coercendo imperio*,” setting bounds to their

to his permission by M. Mignet, who at that time was superintendent of the French archives; and to whom I am under the greatest obligations for efficient aid in furthering my inquiries. The French archives are rich in materials for every branch of history. In one they are unique. The despatches of the French envoys at

Philadelphia to their government contain the most complete reports which exist of the discussions in congress from 1778 to the adoption of the constitution in 1789. Congress sat, it is true, with closed doors; but the French ministers knew how to obtain information on every proceeding that interested their country.

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jurisdiction; that the provinces of the south already very much weakened the confederation; that further extension on that side would immeasurably augment this inconvenience; that the south was the seat of wealth and of weakness; that the poverty and vigor of the north would always be the safeguard of the republic; and that on this side lay the necessity to expand and to gain strength; that the navigation of the Mississippi below the mouth of the Ohio should belong exclusively to Spain, as the only means of retaining the numerous population which would be formed between the Ohio and the lakes; that the inhabitants of these new and immense countries, be they English or be they Americans, having the outlet of the river St. Lawrence on the one side and that of the Mississippi on the other, would be in a condition to domineer over the United States and over Spain, or to make themselves independent, — that on this point there was, therefore, a common interest. Some dread of the relative increase of the south may have mixed with the impatient earnestness with which two at least of the New England states demanded the acquisition of Nova Scotia as indispensable to their safety, and therefore to be secured at the pacification with England. The leader in this policy was Samuel Adams, whom the French minister always found in his way.

The question of recruiting the army by the enlistment of black men forced itself on attention. The several states employed them as they pleased, and the slave was enfranchised by the service. Once congress touched on the delicate subject; and in March, 1779, it recommended Georgia and South

Carolina to raise three thousand active, able-bodied negro men under thirty-five years of age; and the recommendation was coupled with a promise of "a full compensation to the proprietors of such negroes for the property." The resolution appears to have been adopted without opposition, North and South Carolina having both been represented in the committee that reported it. But South Carolina refused by great majorities to give effect to the scheme.

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So long as Jefferson was in congress he kept Virginia and Massachusetts in a close and unselfish union, of which the unanimous assertion of independence was the fruit. When he withdrew to service in his native commonwealth, their friendship lost something of its disinterestedness. Virginia manifested its discontent by successive changes in its delegation, and the two great states came more and more to represent different classes of culture and ideas and interests. On observing congress thus "rent by party," Washington "raised his voice and called upon George Mason and Jefferson to come forth to save their country."

In 1779, when the prosperity of New England had been shown to depend on the fisheries, and when pathetic appeals, not unmingled with menaces, had been used prodigally and without effect, Samuel Adams said rashly, that "it would become more and more necessary for the two empires to separate." On the other hand, when the north offered a preliminary resolution, that the country, even if deserted by France and Spain, would continue the war for the sake of the fisheries, we have seen four states read the draft of a protest declaring peremptorily

CHAP. XVII. that, if the resolution should be adopted, they would
 withdraw from the confederation.¹

1779. In the assertion of the sovereignty of each separate state, there was no distinction between north and south. Massachusetts expressed itself as absolutely as South Carolina. As a consequence, the confederation could contain no interdict of the slave-trade, and the importation of slaves would therefore remain open to any state according to its choice. When on the seventeenth of June, 1779, a renunciation of the power to engage in the slave-trade was proposed as an article to be inserted in the treaty of peace, all the states, Georgia alone being absent, refused the concession by the votes of every member except Jay and Gerry.

1780. The rigid assertion of the sovereignty of each state fostered mutual jealousy. Luzerne, the French envoy who succeeded Gérard, soon came to the conclusion that the confederacy would run the risk of an early dissolution if it should give itself up to the hatred which began to show itself between the north and south.

Vermont, whose laws from the first never bore with slavery, knocked steadily at the door of congress to
 1781. be taken in as a state. In August, 1781, its envoys were present in Philadelphia, entreating admission. Their papers were in order; the statesmen of New York gave up their opposition; and congress seemed well disposed to admit the applicant: but resistance developed itself in the states of the south; for it was held by them that the admission of Vermont would destroy "the balance of power" between the two

¹ Above, 218.

sections of the confederacy, and give the preponderance to the north. The idea was then started, that the six states south of Mason and Dixon's line should be conciliated by a concession of a seventh vote which they were to exercise in common: but the proposal, though it formed a subject of conversation, was never brought before congress; and Vermont was left to wait till a southern state could simultaneously be received into the union.

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In regard to the foreign relations of the country, congress was divided between what the French envoy named "Gallicans" and "anti-Gallicans:" the southerners were found more among the "Gallicans;" the north was suspected of a partiality for England.

There was no hope of the delivery of the country from the anomaly of slavery by the concurrent action of the members of congress. It was but a minority of them who kept in mind that an ordinance of man can never override natural law, and that in the great high court of the eternal Providence justice forges her weapon long before she strikes. What part was chosen by each separate state must be recounted.

In no one state did its constitution abridge the power of its legislature over slavery, even to its total abolition. In no one constitution did the word "slave" or "slavery" find a place, except in that of Delaware, and there only by way of a formal and perpetual prohibition. They are found as little in that of South Carolina (which was already the leading champion of negro bondage) as in that of Massachusetts.

In the north the severity of the climate, the poverty of the soil, and the all-pervading habit of laborious industry among its people, which grew out of the

- CHAP. XVII.
 1781. original motives to their emigration and was the character of all their development, set narrow limits to slavery; in the states nearest the tropics it thrived luxuriously, and its influence entered into their inmost political life. Virginia with soil and temperature and mineral wealth inviting free and skilled labor, yet with lowland where the negro attained his perfect physical development, stood as mediator between the two. Many of her statesmen — George Mason, Patrick Henry, Jefferson, Wythe, Pendleton, Richard Henry Lee — emulated each other in their confession of the iniquity and inexpediency of holding men in bondage. We have seen the legislature of colonial Virginia in 1772, in their fruitless battle with the king respecting the slave-trade, of which he was the great champion, demand its abolition as needful for their happiness and their very existence. In 1773. January, 1773, Patrick Henry threw ridicule and contempt on the clergy of Virginia for their opposition to emancipation. In that same year, George Mason, demanding improvements in the constitution of the Old Dominion, addressed to its legislature these memorable words:

“Mean and sordid, but extremely short-sighted and foolish, is that self-interest which, in political questions, opposeth itself to the public good: a wise man can no other way so effectually consult the permanent welfare of his own family and posterity as by securing the just rights and privileges of that society to which they belong.

“Perhaps the constitution may by degrees work itself clear by its own innate strength, the virtue and resolution of the community, as hath often been the

case in our mother country. This last is the natural remedy, if not counteracted by that slow poison which is daily contaminating the minds and morals of our people. Every gentleman here is born a petty tyrant. Practised in acts of despotism and cruelty, we become callous to the dictates of humanity and all the finer feelings of the soul. Taught to regard a part of our own species in the most abject and contemptible degree below us, we lose that idea of the dignity of man which the hand of nature hath planted in us for great and useful purposes. Habituated from our infancy to trample upon the rights of human nature, every generous, every liberal sentiment, if not extinguished, is enfeebled in our minds; and in such an infernal school are to be educated our future legislators and rulers. The laws of impartial Providence may even by such means as these avenge upon our posterity the injury done to a set of wretches whom our injustice hath debased to a level with the brute creation. These remarks were extorted by a kind of irresistible, perhaps an enthusiastic impulse; and the author of them, conscious of his own good intentions, cares not whom they please or offend."

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1773.

When the constituent convention of Virginia 1776. adopted their declaration of rights as the foundation of government for themselves and their posterity, they set forth in the words of George Mason, that all men are by nature equally free and have inherent rights; namely, the enjoyment of life and liberty, the means of acquiring property and pursuing happiness: yet the authoritative proclamation of the equal rights of all men brought no immediate relief to the enslaved.

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1778. — In 1778, Virginia prohibited what, under the supremacy of England, she could not have prohibited, — the introduction of any slave by land or sea, and ordered the emancipation of every slave introduced from abroad. But the bill respecting resident slaves, prepared by the three commissioners for codifying the laws, was a mere digest of existing enactments. Its authors agreed in wishing that the assembly might provide by amendment for the freedom of the after-born; but the thought bore no fruit, and was moreover blended with the idea of their deportation. The
1779. statute drafted by Jefferson, and in 1779 proposed by Mason to define who shall be citizens of Virginia, declared the natural right of expatriation in opposition to the English assertion of perpetual allegiance, and favored naturalization; but it confined alike the right of expatriation and citizenship to white men.
1780. In 1780, Madison expressed the wish that black men might be set free and then made to serve in the army. And this was often done by individuals. Before the end of the same year, Virginia offered a bounty not of money and lands only, but of a negro to each white man who would enlist for the war.
1782. In May, 1782, just thirteen years after Jefferson had brought in a bill giving power of unconditional emancipation to the masters of slaves, the measure was adopted by the legislature of Virginia. Under this act more slaves received their freedom than were liberated in Pennsylvania or in Massachusetts. Even had light broken in on Jefferson's mind through the gloom in which the subject was involved for him, Virginia would not have accepted from him a plan for making Virginia a free commonwealth; but there is no evi-

dence that he ever reconciled himself to the idea of emancipated black men living side by side with white men as equal sharers in political rights and duties and powers. The result of his efforts and reflections he uttered in these ominous forebodings: "Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government."

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1782.

In bondage to these views, Jefferson was not competent to solve the problem; and so early as 1782, in the helplessness of despair, he dismissed it from his thoughts as a practical question, with these words: "I tremble for my country when I reflect that God is just, that his justice cannot sleep for ever. The way, I hope, is preparing under the auspices of Heaven for a total emancipation."

At that time Washington was a kind and considerate master of slaves, without as yet a title to the character of abolitionist. By slow degrees the sentiment grew up in his mind that to hold men in bondage was a wrong; that Virginia should proceed to emancipation by general statute of the state; that, if she refused to do so, each individual should act for his own household.

Next in order comes Delaware, which on the twentieth of September, 1776, adopted its constitution as an independent state. In proportion to its numbers, it had excelled all in the voluntary emancipation of slaves. Its constitution absolutely prohibited the introduction of any slave from Africa, or any slave for sale from any part of the world, as an article which "ought never to be violated on any pretence what-

1776.

CHAP. XVII. ever." But, beyond this, Delaware left the progress of emancipation to the good-will of the slave-holders.

1779. In the constituent convention of New York, Gouverneur Morris struggled hard for measures tending to abolish domestic slavery, "so that in future ages every human being, who breathed the air of the state, might enjoy the privileges of a freeman." The proposition, though strongly supported, especially by the interior and newer counties, was lost by the vote of the counties on the Hudson. "The constitution," wrote Jay, on its adoption in 1777, "is like a harvest cut before it is ripe; the grain has shrunk;" and he lamented the want of a clause against the continuance of domestic slavery. Still the declaration of independence was incorporated into the constitution of New York; and all its great statesmen were abolitionists.

1777. It has already been narrated that, in 1777, the people of Vermont, in separating themselves formally and finally from the jurisdiction of New York, framed a constitution which prohibited slavery.

1778. In July, 1778, William Livingston, the governor of New Jersey, invited the assembly to lay the foundation for the manumission of the negroes. At the request of the house, which thought the situation too critical for the immediate discussion of the measure, the message was withdrawn. "But I am determined," wrote the governor, "as far as my influence extends, to push the matter till it is effected, being convinced that the practice is utterly inconsistent with the principles of Christianity and humanity; and in Americans, who have almost idolized liberty, peculiarly odious and disgraceful." Of the two Jerseys, slavery had struck deeper root in the East from the original

policy of its proprietaries; the humane spirit of the Society of Friends ruled opinion in West Jersey. CHAP.
XVII.

The name of Pennsylvania was dear throughout the world as the symbol of freedom; her citizens proved her right to her good report by preparing to abolish slavery. The number of their slaves had grown to be about six thousand, differing little from the number in Massachusetts, and being in proportion to the whole population much less than in New York or in New Jersey. In 1777, in the heads of a bill proposed by the council, a suggestion was made for ridding the state of slavery. The retreat of the British from Philadelphia, and the restoration to Pennsylvania of peace within its borders, called forth in its people a sentiment of devout gratitude. Under its influence, George Bryan, then vice-president, in a message to the assembly of the ninth of November, 1778, pressed upon their attention the bill proposed in the former year for manumitting infant negroes born of slaves, and thus in an easy mode abrogating slavery, the opprobrium of America. "In divesting the state of slaves," said Bryan, "you will equally serve the cause of humanity and policy, and offer to God one of the most proper and best returns of gratitude for his great deliverance of us and our posterity from thralldom; you will also set your character for justice and benevolence in the true point of view to all Europe, who are astonished to see a people struggling for liberty holding negroes in bondage." 1778.

On becoming president of the executive council of Pennsylvania, Joseph Reed, speaking for himself and the council, renewed the recommendation to abolish slavery gradually and to restore and establish by the 1779.

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1779. law in Pennsylvania the rights of human nature. In the autumn of 1779, George Bryan had been returned as a member of the assembly. In the committee to which on his motion the subject was referred, he prepared a new preamble and the draft of the law for gradual emancipation; and on the twenty-ninth of February, 1780, it was adopted by a vote of thirty-four to twenty-one. So Pennsylvania led the way towards introducing freedom for all. "Our bill," wrote George Bryan to Samuel Adams, "astonishes and pleases the Quakers. They looked for no such benevolent issue of our new government, exercised by presbyterians." The Friends, well pleased at the unexpected law, became better reconciled to the form of government by which they had been grievously disfranchised.

The constitution of South Carolina of 1778 contained no bill of rights, and confined political power exclusively to white men; but from the first settlement of the state, slavery formed a primary element in its social organization. When Governor Rutledge in 1780 came to Philadelphia, he reported that the negroes, who in the low country outnumbered the whites as six to one, offered up their prayers in favor of England, in the hope that she would give them a chance to escape from slavery. But British officers, regarding negroes as valuable spoil, defeated every plan for employing them as soldiers on the side of England.

1776. The puritans of Massachusetts and their descendants, though they tolerated slavery, held that slaves had rights. Laws on marriage and against adultery were applied to them; and they were allowed, like

others, to give their testimony even in capital cases. At the opening of the revolution, William Gordon, the congregationalist minister of Roxbury, though he declined to "unsaint" every man who still yielded to the prevailing prejudice, declared with others against perpetuating slavery, and in November, 1776, published in the "Independent Chronicle" a plan sent from Connecticut for its gradual extermination out of that colony. In the same month and in the same newspaper, "a son of liberty" demanded the repeal of all laws supporting slavery, because they were "contrary to sound reason and revelation."¹ In January, 1777, seven negro slaves joined in petitioning the general court "that they might be restored to that freedom which is the natural right of all men, and that their children might not be held as slaves after they arrive at the age of twenty-one years." This petition was referred to a very able committee, on which are the names of Sergeant and John Lowell of Boston, both zealous abolitionists; the latter then the leading lawyer in the state.

In May, 1777, just before the meeting of the general court at Boston, Gordon, finding in the multiplicity of business before the general court the only apology for their not having attended to the case of slaves, as a preliminary to total emancipation asked for a final stop to the public and private sale of them by an act of the state. Clothing the argument of Montesquieu in theological language, he said: "If God hath made of one blood all nations of men for to dwell on the face of the earth, I can see no reason why a black rather than a white man should

¹ Moore's History of Slavery in Massachusetts, 177.

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1777. be a slave." A few weeks later, the first legislature elected in Massachusetts after the declaration of independence listened to the second reading of a bill which declared slavery "without justification in a government of which the people are asserting their natural rights to freedom," and had for its object "to fix a day on which all persons above twenty-one years of age then held in slavery should be free and entitled to all the rights, privileges, and immunities that belong to any of the subjects of this state." A committee was directed to take the opinion of congress on the subject, but no answer from congress appears on record, nor any further consideration of the bill by the Massachusetts legislature.¹

In his presidency, Hancock had shown proclivities to the south. When on his resignation in October a motion was made to give him the thanks of congress for his impartiality in office, the three northernmost states of New England voted in the negative, while the south was unanimous in his favor. After his arrival in Boston, the two branches of the general court saw fit to form themselves into a constituent convention, for which some of the towns had given authority to their representatives. In the winter session of 1778, the draft of a plan of government was taken into consideration. One of the proposed clauses took from Indians, negroes, and mulattoes the right to vote. Against this disfranchisement was cited the example of Pennsylvania, which gave the suffrage to all freemen. "Should the clause not be reprobated by the convention," said an orator, "I still hope that there will be found among the people

¹ Moore's History of Slavery in Massachusetts, 183.

at large virtue enough to trample under foot a form of government which thus saps the foundation of civil liberty and tramples on the rights of man." CHAP
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1778.

Another clause confined the highest offices to Protestants.

On the submission of the constitution to the people, objections were made that it contained no declaration of rights; that it gave the governor and lieutenant-governor seats in the senate; that it disfranchised the free negro, a partiality warmly denounced through the press by the historian, William Gordon. There was, moreover, dissatisfaction with the legislature for having assumed constituent powers without authority from the people. Boston, while it recommended a convention for framing a constitution, gave its vote unanimously against the work of the legislature; and the commonwealth rejected it by a vote of five to one.

The history of the world contains no record of a people which in the institution of its government moved with the caution which now marked the proceedings of Massachusetts. In February, 1779, the legislature of the year asked their constituents whether they desired a new form of government; and a large majority of the inhabitants of the towns voting in the affirmative, a convention of delegates was elected for the sole purpose of forming a constitution. On the first day of September, the convention thus chosen came together in the meeting-house of Cambridge. Their forefathers, in their zeal against the Roman superstition, had carried their reverence of the Bible even to idolatry; and some of them, like Luther, found in its letter a sanction for holding slaves. On the other hand, from principle and habit, they honored

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1779.

honest labor in all its forms. The inconsistencies of bondage with the principle of American independence lay in the thoughts of those who led public opinion; voices against it had come from Essex, from Worcester, from Boston, from the western counties, showing that the conscience of the people was offended by its continuance.

The first act of the constituent body was "the consideration of a declaration of rights;" and then they resolved unanimously "that the government to be framed by this convention for the people of Massachusetts Bay shall be a FREE REPUBLIC." This resolution was deemed so important, that liberty was reserved for the members of a committee who were absent to record their votes upon it; and on the next morning they declared "their full and free assent." A committee of thirty, composed for the commonwealth at large and for each county excepting the unrepresented county of Dukes and Nantucket, was appointed to prepare a declaration of rights and the form of a constitution. But the house itself continued its free conversation on these subjects till sunset of the sixth of September. The next day it adjourned for more than seven weeks, that its committee might have time to transact the important business assigned them.

On the thirteenth of September, the committee assembled at the new court-house in Boston. Among them were Bowdoin, who was president of the convention; Samuel Adams; John Lowell; Jonathan Jackson of Newburyport, who thought that the liberty which America achieved for itself should prevail without limitation as to color; Parsons, a young

lawyer of the greatest promise, from Newburyport; and Strong of Northampton. John Adams had arrived opportunely from France, to which he did not return till November; and was so far the "principal" agent in writing out the first draft of the constitution, that it was reputed to be his work. There are no means of distributing its parts to their several authors with certainty. No one was more determined for two branches of the legislature with a veto in the governor than John Adams. To him also more than to any other may be ascribed the complete separation of both branches from appointments to office. The provisions for the total abolition of slavery mark the influence of John Lowell. "To Bowdoin was due the form of some of its most admired sections."

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1779.

On the afternoon of the twenty-eighth of October, the committee appointed to prepare a form of government reported a draft of a constitution; and on the next day the convention adopted the first article of a declaration of rights, which was couched in the spirit and almost in the language of George Mason and Virginia: "All men are born free and equal, and have certain natural, essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness." The lawyers of Virginia had not considered this declaration as of itself working the emancipation of negro slaves; to accomplish that end, the men of Massachusetts, in deciding how many of their old laws should remain in full force, excepted those parts which

CHAP. XVII. were "repugnant to the rights and liberties contained in this constitution."

1780. As the delegates gave the closest attention to every line and word in the constitution, this clause did not come up for consideration till the last day of January, 1780, in an adjourned session. Roads having been made for a time impassable by deep snows, there were still many absentees; and, though a quorum was present, the consideration of this question was from its importance deferred. For a month, therefore, other clauses were discussed and settled; and then in a full convention, after deliberation and amendment, this most momentous article of all was adopted. So calm and effortless was the act by which slavery fell away from Massachusetts. Its people wrought with the power of nature, which never toils, never clothes violence with arms, but achieves its will through the might of overruling law. There is in the world a force tending to improvement, and making itself felt within us and around us, with which we can work, but which exists independently of us, and which it is above our ability to call into being or to destroy. The manner in which Massachusetts left slavery behind, as of the dead and irrevocable past, was the noblest that could have been devised. The inborn, inalienable right of man to freedom was written in the permanent constitution as the law of all coming legislation. The highest voice of morality speaks to the whole universe of moral being, and utters for all its one inflexible command. When by its all-persuasive force the men of Massachusetts abolished slavery, the decision had the character of primal justice and the seal of undying authority. Yet had

they remained dependent, the veto of the British king would have prevented their abolition of slavery, as it had prevented every measure for abolishing or restricting the slave-trade. CHAP.
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1780.

In an able address to their constituents, the delegates explained the grounds on which their decisions rested, and called on them in their several towns and plantations to judge "whether they had raised their superstructure upon the principles of a FREE COMMONWEALTH." Reassembling on the first Wednesday in June, they found that the male inhabitants of twenty-one years and upwards had ratified the new constitution, and they chose the last Wednesday in October for the day on which it should take effect.

At the coming in of the twenty-fifth of October, 1780, Massachusetts became in truth a FREE COMMONWEALTH. Its people shook slavery from its garments as something that had never belonged to it. The colored inhabitants, about six thousand in number, or one in seventy of the population, equally became fellow-citizens; and, if any of them possessed the required qualifications of age, residence, and property, their right to vote admitted of no question.

As to the rights of conscience, it was agreed that "religion must at all times be a matter between God and individuals;" from office those only were excluded who believed that a foreign prelate could have a dispensing power within the commonwealth, and who would not "disclaim those principles of spiritual jurisdiction which are subversive of a free government established by the people." The legislature and magistrates were charged to cherish literature and the sciences, and all seminaries of them, especially

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1780.

the university at Cambridge, public schools, and grammar-schools in the towns. The constitution was marked by the effort at a complete separation of the executive, legislative, and judicial powers, that it might be a government of laws and not of men. "For a power without any restraint," said the convention, "is tyranny."

"The constitution of Massachusetts," wrote Count Matthieu Dumas, one of the French officers who served in America, "is perhaps the code of laws which does most honor to man."


As if to leave to the world a record of the contrast between the contending systems of government for colonists, the British ministry, simultaneously with the people of Massachusetts, engaged in forming its model. The part of Massachusetts between the river Saco and the St. Croix was constituted a province, under the name of New Ireland. The system adopted for Quebec and for East Florida was to receive in the New England province its full development. The marked feature of the constitution was the absolute power of the British parliament; and, to make this power secure for all coming time, every landlord on acquiring land, whether by grant from the crown, or by purchase, or by inheritance, was bound to make a test declaration of allegiance to the king in his parliament, as the supreme legislature of the province. The attorney and solicitor general of Great Britain were to report what of the laws of England would of their own authority take effect in the province, and what acts of parliament the king might introduce by his proclamation. "It has been found," said the state paper, "by sad ex-

perience, that the democratic power is predominant in all parts of British America." "To combat the prevailing disposition of the people to republicanism," there was to be by the side of the governor and council no elective assembly until the circumstances of the province should admit of it; but a middle branch of legislature, of which every one of the members was to be named by the crown, to be distinguished by titles or emoluments, or both; and, though otherwise appointed for life, to remain ever liable to be suspended or removed by royal authority.

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1780.

As a farther security to aristocratic power, the lands were to be granted in large tracts, so that there might be great landlords and a tenantry. The church of England was to be the established church; the country to be divided into parishes, each with a glebe land; and the governor, the highest judge in the ecclesiastical court, to present to all benefices. A vicar-general with a power to ordain was to open the way for a bishop. No provision was made for the establishment of schools or the education of the people. This constitution was approved by the cabinet on the tenth of August, 1780, and on the next day by the king. Pleased with their work, the ministers judged the proper time might have come to digest a system of government for all America.

Here were the two models side by side. The one would have organized self-government, the other arbitrary rule; the one a people of freeholders, the other of landlords and tenants; the one public worship according to the conscience and faith of indi-

CHAP. XVII.  viduals, the other a state religion subordinate to
temporal power; the one education of all the people,
1780. the other indifference to human culture.

It remains to be related, that in the year 1780 the methodists of the United States at their general meeting voted "slave-keeping contrary to the laws of God, man, and nature."

CHAPTER XVIII.

THE COMLOT OF SIR HENRY CLINTON AND ARNOLD.

1780.

DESULTORY movements of the British and American troops in the North during the winter of 1780 were baffled by unwonted cold and deep snows. The Hudson and the East river were covered with solid ice, but Knyphausen provided for the safety of New York by forming battalions of the loyal inhabitants and refugees. Besides; the American army, whose pay was in arrear and whom congress could not provide with food, was too feeble to hazard an attack. In May the continental troops between the Chesapeake and Canada amounted only to seven thousand men; in the first week of June, those under the command of Washington, present and fit for duty, numbered but three thousand seven hundred and sixty.

On the twenty-eighth of May, the official report of the surrender of Charleston was received.¹ The

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1780

May
28.

¹ Journal desjenigen: was sich unter dem an den Generallieutenanten von Kniephausen übertragenen Commando ereignet hat.

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May.

refugees insisted that the men of New Jersey, weary of compulsory requisitions of supplies, longed to return to their old form of government; and English generals reported so great disaffection among the starved and half-clothed American officers and men, that one-half of them would desert to the English and the other half disperse. The moment seemed opportune for setting up the royal standard in New Jersey. Strengthening the post at Kingsbridge, and leaving only three regiments in New York, Knyp-hausen formed nineteen regiments into three divisions under Robertson, Tryon, and Stachenberg, with an advanced guard under General Matthews. Of artillery he took eight pieces.

June
6.

7.

The army of Washington was encamped at Morristown. On the east of the Passaic, the Jersey brigade under General Maxwell was stationed at Connecticut Farms, and three hundred of the Jersey militia occupied Elizabethtown. On the sixth of June, the British landed at Elizabethtown Point, but very slowly, from a scarcity of boats. The brigadier who commanded the vanguard was early wounded and disabled. Seven hours were lost in bridging a marsh which stopped their way. On the morning of the seventh, the American militia, under Colonel Dayton, having had timely warning, retired before the enemy from Elizabethtown; but with the aid of volunteers from the country people, who flew to arms, and of small patrolling parties of continental troops, they harassed the British all the way on their march of five or six miles to Connecticut Farms. James Caldwell, the presbyterian minister of that place, was known to have inspired his people with his own

patriotic zeal. A British soldier, putting his gun to the window of the house where Caldwell's wife was sitting with her children, one of them a nursling, shot her fatally through the breast. Scarcely was time allowed to remove the children and the corpse from the house when it was set on fire. The presbyterian meeting-house and the houses and barns of the village were burned down. In the winter the presbyterian church at Newark had in like manner been burned to the ground.

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1780
June.

From Connecticut Farms, Maxwell, with the remnant of a brigade, retreated to strong ground near Springfield, where he awaited and repelled repeated attacks made by Colonel Wurmb with a Hessian regiment. Thrice did the Americans charge with fixed bayonets; and they retired only on the arrival of a British brigade, the Hessian yagers alone having lost more than fifty killed or wounded. Instead of men eager to return to their old allegiance, the British encountered a people risking all to preserve their independence; suffered losses all the day from determined troops; and at five in the afternoon found that Washington, on hearing that they were out in force, had brought in front of them a brave and faithful army, formed on ground of his own choice. Knyphausen, though his command outnumbered the Americans two to one, declined to attack, where victory must have cost dearly, and defeat would have been disastrous. Learning at this moment that Clinton with large numbers might be expected at New York within a week, he resolved to attempt nothing more; and at nine o'clock in the evening his army began a retreat to Elizabethtown

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June
8.

Point. An American detachment, sent at break of day in pursuit, drove the twenty-second English regiment out of Elizabethtown and returned without being molested. In general orders Dayton "received particular thanks." At this time a committee from congress was in the American camp, to whom Washington explained the hardships of his condition. Not only had congress accomplished nothing for the relief and re-enforcement of his army, it could not even tell how far the several states would comply with the requisitions made on them. While awarding liberal praise to the militia of New Jersey, he renewed his constant plea for regular troops: "Perseverance in enduring the rigors of military service is not to be expected from those who are not by profession obliged to it. Our force, from your own observation, is totally inadequate to our safety."¹

19.

On the nineteenth of June, two days after his arrival in New York, Clinton repaired to New Jersey. He had now at his disposition nearly four times as many regular troops as were opposed to him; but he fretted at "the move in Jersey as premature," and what he "least expected."² With civil words to the German officers, he resolved to give up the expedition; but he chose to mask his retreat by a feint, and to give it the air of a military manœuvre.

Troops sent up the Hudson river as if to take the Americans in the rear induced Washington to move his camp to Rockaway bridge, confiding the post at Short Hills to two brigades under the command of

¹ Washington to the committee in camp in Marshall, i. 362.

² MS. note of Clinton to Stedman's History, ii. 243.

Greene. Early on the twenty-third, the British advanced in two compact divisions from Elizabethtown Point to Springfield. The column on the right had to ford the river before they could drive Major Lee from one of the bridges over the Passaic. At the other, Colonel Angel with his regiment held the left column in check for about forty minutes. Greene prepared for action; but the British army, though it was drawn up and began a heavy cannonade, had no design to engage; and at four in the afternoon, after burning the houses in Springfield, it began its return. All the way back to Elizabethtown, it was annoyed by an incessant fire from American skirmishers and militia. Its total loss is not known; once more the Hessian yagers lost fifty in killed or wounded, among the latter one colonel, two captains, and a lieutenant. From Elizabethtown Point the fruitless expedition crossed to Staten Island by a bridge of boats, which at midnight was taken away. Clinton was never again to have so good an opportunity for offensive operations as that which he had now rejected.

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June
23

On the return of d'Estaing from America, he urged the French ministry to send twelve thousand men to the United States, as the best way of pursuing the war actively; and Lafayette had of his own motion given the like advice to Vergennes, with whom he had formed relations of friendship. The cabinet adopted the measure in its principle, but vacillated as to the number of the French contingent. For the command Count de Rochambeau was selected, not by court favor, but from the consideration in which he was held by the troops.¹ On the tenth

¹ Goltz to Frederic, 3 March, 1780.

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XVIII.1780.
July
10.

of July, Admiral de Ternay with a squadron of ten ships of war, three of them ships of the line, conveyed the detachment of about six thousand men with Rochambeau into the harbor of Newport. To an address from the general assembly of Rhode Island, then sitting in Newport, the count answered: "The French troops are restrained by the strictest discipline; and, acting under General Washington, will live with the Americans as their brethren. I assure the general assembly that, as brethren, not only my life, but the lives of the troops under my command, are entirely devoted to their service." Washington in general orders desired the American officers to wear white and black cockades as a symbol of affection for their allies.

The British fleet at New York having received a large re-enforcement, so that it had now a great superiority, Sir Henry Clinton embarked about eight thousand men for an expedition against the French in Rhode Island. Supported by militia from Massachusetts and Connecticut, the French longed for the threatened attack; but the expedition proceeded no further than Huntington Bay in Long Island, where it idled away several days, and then returned to New York. Of the incapacity of Arbuthnot, the admiral, Clinton sent home bitter complaints, which were little heeded. There were those who censured the general as equally wanting energy. The sixth summer during which the British had vainly endeavored to reduce the United States was passing away, and after the arrival of French auxiliaries the British commander-in-chief was more than ever disheartened.

Aug.
25.

On the twenty-fifth of August, 1780, Clinton,

knowing well that he had in Cornwallis a favored rival eager to supplant him, reported officially from New York: "At this new epoch in the war, when a foreign force has already landed and an addition to it is expected, I owe to my country, and I must in justice to my own fame declare to your lordship, that I become every day more sensible of the utter impossibility of prosecuting the war in this country without re-enforcements. The revolutions fondly looked for by means of friends to the British government I must represent as visionary. These, I well know, are numerous, but they are fettered. An inroad is no countenance, and to possess territory demands garrisons. The accession of friends, without we occupy the country they inhabit, is but the addition of unhappy exiles to the list of pensioned refugees. A glance at the returns of the army divided into garrisons and reduced by casualties on the one part, with the consideration of the task yet before us on the other, would, I fear, renew the too just reflection, that we are by some thousands too weak to subdue this formidable rebellion." Yet for the moment the only regiments sent to the United States were three to re-enforce Lord Cornwallis.

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1780.
Aug.
25.

Hopeless of success in honorable warfare, Clinton stooped to fraud and corruption. From the time when officers who stood below Arnold were promoted over his head, discontent rankled in his breast and found expression in threats of revenge. After the northern campaign, he complained more than ever that his services had not been sufficiently rewarded. While he held the command in Philadelphia, his extravagant mode of living tempted

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1780.

him to speculation and treasonable connections; and towards the end of February, 1779, he let it be known to the British commander-in-chief that he was desirous of exchanging the American service for that of Great Britain. His open preference for the friends of the English in Pennsylvania disgusted the patriots. The council of that state, after bearing with him for more than half a year, very justly desired his removal from the command; and, having early in 1779 given information of his conduct, against their intention they became his accusers. The court-martial before which he was arraigned, on charges that touched his honor and integrity, dealt with him leniently, and sentenced him only to be reprimanded by the commander-in-chief. The reprimand was marked with the greatest forbearance. The French minister, to whom Arnold applied for money, put aside his request and added wise and friendly advice. In the course of the winter of 1778-1779, he was taken into the pay of Clinton, to whom he gave on every occasion most material intelligence.

The plot received the warmest encouragement from Lord George Germain, who, towards the end of September, wrote to Clinton: "Next to the destruction of Washington's army, the gaining over officers of influence and reputation among the troops would be the speediest means of subduing the rebellion and restoring the tranquillity of America. Your commission authorizes you to avail yourself of such opportunities, and there can be no doubt that the expense will be cheerfully submitted to."¹

¹ Lord George Germain to Clinton, 27 Sept., 1779. Extract. "It will not, I am persuaded, escape your sagacity that the gain-

In 1780, the command at West Point needed to be changed. Acting in concert with Clinton, and supported by the New York delegation in congress, Arnold, pleading his wounds as an excuse for declining active service, solicited and obtained orders to that post, which included all the American forts in the Highlands. Clinton entered with all his soul into the ignoble plot which, as he believed, was to end the war. After a correspondence of two months between him and the British commander-in-chief, through Major John André, adjutant-general of the army in North America, on the thirtieth of August, Arnold, insisting that the advantages which he expected to gain for himself by his surrender were "by no means unreasonable," and requiring that his conditions should "be clearly understood," laid a plan for an interview at which a person "fully authorized" was to "close with" his proposals.

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1780.

Aug.
30.

The rendezvous was given by him within the American lines, where Colonel Sheldon held the command; and that officer was instructed to expect the arrival "at his quarters of a person in New York to open a channel of intelligence." On the same day,

ing over some of the most respectable members of that body [congress], or officers of influence and reputation among the troops, would, next to the destruction of Washington's army, be the speediest means of subduing the rebellion and restoring the tranquillity of America. Your commission authorizes you to avail yourself of such opportunities, and there can be no doubt that the expense will be cheerfully submitted to." I understand this letter as having been written after receiving from an officer returning to Eng-

land some verbal information from Clinton of the having gained over Arnold. Otherwise, the letter would be a most marvellous instance of harmony. Germain was, no doubt, cognizant of the plot; for Clinton, who was too prudent to communicate it in official letters, referred him to a returning officer for information which he did not choose to write. There was always danger that his despatches might be intercepted. There were, in England, the greatest expectations from the complot up to the moment of its discovery.

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1780.

André, disguising his name, wrote to Sheldon from New York by order of Clinton: "A flag will be sent to Dobbs Ferry on Monday next, the eleventh, at twelve o'clock. Let me entreat you, sir, to favor a matter which is of so private a nature that the public on neither side can be injured by it. I trust I shall not be detained, but I would rather risk that than neglect the business in question, or assume a mysterious character to carry on an innocent affair and get to your lines by stealth." To this degree could the British commander-in-chief prostitute his word and a flag of truce, and lull the suspicions of the American officer by statements the most false. The letter of André being forwarded to Arnold, he "determined to go as far as Dobbs Ferry and meet the flag." As he was approaching the vessel in which André came up the river, the British guard-boats whose officers were not in the secret fired upon his barge and prevented the interview.

Clinton became only more interested in the project, for of a sudden he gained a great fellow-helper. At the breaking out of the war between France and England, Sir George Rodney, a British naval officer, chanced to be detained in Paris by debt. But the aged Marshal de Biron advanced him money to set himself free, and he hastened to England to ask employment of the king. He was not a member of parliament, and was devoted to no political party; he revered the memory of Chatham, and yet held the war against the United States to be just. A man of action, quick-sighted, great in power of execution, he was just the officer whom a wise government would employ, and whom by luck the British admiralty of

that day, tired of the Keppels and the Palisers, the mutinous and the incompetent, put in command of the expedition that was to relieve Gibraltar and rule the seas of the West Indies. One of the king's younger sons served on board his fleet as midshipman. He took his squadron to sea on the twenty-ninth of December, 1779. On the eighth of January, 1780, he captured seven vessels of war and fifteen sail of merchantmen. On the sixteenth, he encountered off Cape St. Vincent, the Spanish squadron of Languara, very inferior to his own, and easily took or destroyed a great part of it. Having victualled the garrison of Gibraltar, and relieved Minorca, on the thirteenth of February he set sail for the West Indies. At St. Lucie he received letters from his wife, saying: "Everybody is beyond measure delighted as well as astonished at your success;" from his daughter: "Everybody almost adores you, and every mouth is full of your praise; come back when you have done some more things in that part of the world you are in now."

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1780.

Jan.
8.

16.

Feb.
13April
and
May.

The thanks of both houses of parliament reached him at Barbadoes. In April and May, Rodney had twice or thrice encounters with the French fleet of Admiral Guichen, and with such success that in a grateful mood the British parliament thanked him once more. Yet he did not obtain a decided superiority in the West Indian seas, and he reported to the admiralty as the reason, that his flag had not been properly supported by some of his officers.

With indifference to neutral rights, he sent frigates to seize or destroy all American vessels in St. Eustatius. In June, he received a check by a junc- June.

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1780.

tion of the Spanish squadron under Solano with the French. But the two admirals could not agree how their forces should be employed. Contagious fever attacked the Spaniards, and reached the French. Solano returned to Havana; Guichen, whose squadron was anxiously awaited in the north, sailed for France. Rodney alone, passing to the north and recapturing a ship from Charleston, anchored off Sandy Hook, where he vexed the weak Admiral Arbuthnot by taking command of the station of New York during his short stay. To the vast superiority of the British on land, was now added the undisputed dominion of the water. In aid of the enterprise by which Sir Henry Clinton expected to bring the war to an immediate close, Rodney contributed his own rare powers; and perfect harmony prevailed between the two branches of the service.

Sept.
18.

On the eighteenth of September, Washington crossed the North River on his way from headquarters near Tappan to Hartford, where, attended by Lafayette and Hamilton, he was to hold his first interview with General Rochambeau. He was joined on the river by Arnold, who accompanied him as far as Peekskill, and endeavored, though in vain, to obtain his consent for the reception of an agent on pretended business relating to confiscated property. Had the consent been given, the interview with André would have taken place under a flag of truce, seemingly authorized by the American commander-in-chief.

Time pressed on. Besides; Sir George Rodney had only looked in upon New York, and would soon return to the West Indies. On the evening of the

eighteenth, Arnold, giving information that Washington on the following Saturday night was expected to be his guest at West Point, proposed that André should immediately come up to the "Vulture," ship of war, which rode at anchor just above Teller's point, in Haverstraw bay, promising on Wednesday evening "to send a person on board with a boat and a flag of truce."

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18.

This letter of Arnold reached Clinton on Tuesday evening, and he took his measures without delay. Troops were embarked on the Hudson river under the superintendence of Sir George Rodney, and the embarkation disguised by a rumor of an intended expedition into the Chesapeake. 19.

On the morning of the twentieth, the British adjutant-general, taking his life in his hand, prepared to carry out his orders. To diminish the dangers to which the service exposed him, "the commander-in-chief, before his departure, cautioned him not to change his dress, and not to take papers." At Dobbs Ferry, he embarked on the river, and, as the tide was favorable, reached the "Vulture" at about an hour after sunset, and declared to its captain "that he was ready to attend General Arnold's summons when and where he pleased." 20

"The night the flag was first expected, he expressed much anxiety for its arrival," and, as it did not come, on the morning of the twenty-first by an ingenious artifice he let Arnold know where he was. On the ensuing night one Smith, in a boat with muffled oars, went off from the western shore of the Hudson to the "Vulture." "The instant André learned that he was wanted, he started out of bed 21.

22.

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XVIII.1780
Sept.
22.

and discovered the greatest impatience to be gone. Nor did he in any instance betray the least doubt of his safety and success." The moon, which had just passed into the third quarter, shone in a clear sky when the boat pushed for the landing-place near the upper edge of the Haverstraw mountains. It was very near the time for day to appear, when André, dressed in regimentals, which a large blue cloak concealed, landed at the point of the Long Clove, where Arnold was waiting in the bushes to receive him. The general had brought with him a spare horse; and the two rode through the village of Haverstraw within the American lines to the house of Smith, which lay a few miles from the river. At the dawn of day, the noise of artillery was heard. An American party had brought field-pieces to bear on the "Vulture;" and Arnold, as he looked out from the window, saw her compelled to shift her anchorage. The negotiations of the two parties continued for several hours. Clinton was in person to bring his army to the siege of Fort Defiance, which enclosed about seven acres of land. The garrison was to be so distributed as to destroy its efficiency. Arnold was to send immediately to Washington for aid, and to surrender the place in time for Sir Henry Clinton to make arrangements for surprising the re-enforcement, which it was believed Washington would conduct in person.¹ It was no part of the plan to risk surprising Washington while a guest at West Point. The promises to Arnold were indemnities in money and the rank of brigadier in the British service. The

¹ Journal of General Matthews cited in Balch's "*Les Français en Amérique*," 110.

American general returned to his quarters. Late in the afternoon André, changing his dress for the disguise of a citizen, provided with passes from Arnold and attended by Smith, set off by land for New York.

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1780.
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22.

Four years before, Washington had sailed between the Highlands, where nature blends mountains and valleys and the deep river in exceeding beauty; and he had selected for fortification the points best adapted to command the passage. In 1778, it was still a desert, nearly inaccessible; now it was covered with fortresses and artillery. Fort Defiance alone was defended by a hundred and twenty pieces of cannon, and was believed to be impregnable. Here were magazines of powder and ammunition, completely filled, for the use not of the post only, but of the whole army. The fortifications built by a nation just rising into notice, seemingly represented a vast outlay in money. With prodigious labor, huge trunks of trees and enormous hewn stones were piled up on steep rocks. All this had been done without cost to the state by the hands of the American soldiers, who were pervaded by a spirit as enthusiastic and as determined as that of the bravest and most cultivated of their leaders; and who received for their work not the smallest gratification, even when their stated pay remained in arrear.¹ And these works, of which every stone was a monument of humble, disinterested patriotism, were to be betrayed to the enemy with all their garrison.

On that same evening Washington, free from suspicion, was returning to his army. He had met

¹ Chastellux' Travels. Am. ed. 46 and 50.

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22.

General Rochambeau and Admiral de Ternay at Hartford. "The interview was a genuine festival for the French, who were impatient to see the hero of liberty. His noble mien, the simplicity of his manners, his mild gravity, surpassed their expectations and gained for him their hearts." All agreed that, for want of a superiority at sea, active operations could not be begun; so that the meeting served only to establish friendship and confidence between the officers of the two nations. Washington on his return was accompanied a day's journey by Count Dumas, one of the aids of Rochambeau. The population of the town where he was to spend the night went out to meet him. A crowd of children, repeating the acclamations of their elders, gathered around him, stopping his way, all wishing to touch him and with loud cries calling him their father. Pressing the hand of Dumas, he said to him: "We may be beaten by the English in the field; it is the lot of arms: but see there the army which they will never conquer."

At this very time André, conducted by Smith, crossed the Hudson river at King's ferry. It was already dark before they passed the American post at Verplanck's point under the excuse that they were going up the river, and to keep up that pretence they turned in for the night near Crompond. Very early on the twenty-third, they were in the saddle. Two miles and a half north of Pine's Bridge, over the Croton, Smith, assuring André that the rest of the way he would meet only British parties, or cow boys as they were called, and having charged him to take the inner route to New York through the valley of the Bronx by way of White Plains, near which the British

had an outpost, bade him farewell and rode up to dine with Arnold at his quarters. At a fork in the road about six miles below the Croton, André, quitting the road to White Plains, took that which led over the hills and entered the highway from Albany to New York at a short distance above Tarrytown. He now thought himself beyond all danger, and according to his own account he believed himself to be the bearer of a plan that would bring the civil war to an immediate end. The British troops, embarked by Sir George Rodney, lay waiting for Clinton to give the word and to lead them in person.

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23.

It happened that John Paulding, a poor man, then about forty-six years old, a zealous patriot who had served his country from the breaking out of the war, and had twice suffered captivity, had lately escaped from New York and had formed a little corps of partisans to annoy roving parties, taking provisions to New York, or otherwise doing service to the British. On that morning, after setting a reserve of four to keep watch in the rear, he and David Williams of Tarrytown and Isaac van Wart of Greenburg seated themselves in the thicket by the wayside, just above Tarrytown, and whiled away the time by playing cards. At an hour before noon, André was just rising the hill out of Sleepy Hollow, within fifteen miles of the strong British post at King's Bridge, when Paulding got up, presented a firelock at his breast, and asked which way he was going. Full of the idea that he could meet none but friends to the English, he answered: "Gentlemen, I hope you belong to our party?" "Which party?" asked Paulding. "The lower party," said André. Paulding answered that

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23.

he did. Then said André: "I am a British officer, out on particular business, and I hope you will not detain me a minute." Upon this Paulding ordered him to dismount. Seeing his mistake, André showed his pass from Arnold, saying: "By your stopping me, you will detain the general's business." "I hope," answered Paulding, "you will not be offended; we do not mean to take anything from you. There are many bad people going along the road; perhaps you may be one of them;" and he asked if he had any letters about him. André answered: "No."¹ They took him into the bushes to search for papers, and at last discovered three parcels under each stocking. Among these were a plan of the fortifications of West Point; a memorial from the engineer on the attack and defence of the place; returns of the garrison, cannon, and stores, all in the handwriting of Arnold. "This is a spy," said Paulding. André offered a hundred guineas, any sum of money, if they would but let him go. "No," cried Paulding, "not for ten thousand guineas." They then led him off, and, arriving in the evening at North Castle, they delivered him with his papers to Lieutenant Colonel Jameson, who commanded the post, and then went their way, not asking a reward for their services, nor leaving their names.

24. What passed between André and Jameson is not known. The result of the interview was, that on the twenty-fourth the prisoner was ordered by Jameson to be taken to Arnold; but on the sharp remonstrance of Major Tallmadge, the next in rank, the order was countermanded, and he was confined at

¹ Testimony of Paulding and Williams in Smith's trial, 53 and 57.

Old Salem, yet with permission to inform Arnold by letter of his arrest.

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His letter was received on the twenty-fifth, too late for an order to be given for his release, and only in time for Arnold himself to escape down the river to the "Vulture." Washington, who had turned aside to examine the condition of the works at West Point, arrived a few hours after his flight.

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25.

The first care of the commander-in-chief was for the safety of the post. The extent of the danger appeared from a letter of the twenty-fourth, in which André avowed himself to be the adjutant-general of the British army, and offered excuses for having been "betrayed into the vile condition of an enemy in disguise" within his posts. He added: "The request I have to make to your Excellency, and I am conscious I address myself well, is, that, in any rigor policy may dictate, a decency of conduct towards me may mark, that, though unfortunate, I am branded with nothing dishonorable, as no motive could be mine but the service of my king, and as I was unvoluntarily an impostor." This request was granted in its full extent, and in the whole progress of the affair he was treated with the most scrupulous delicacy.¹ André further wrote: "Gentlemen at Charleston on parole were engaged in a conspiracy against us; they are objects who may be set in exchange for me, or are persons whom the treatment I receive might affect." The charge of conspiracy against Gadsden and his fellow-sufferers was groundless; and had been brought forward only as an excuse for shipping them away from the city, where their mere pres-

¹ Hamilton's Account of Arnold's Affair, in Works, i. 176.

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25.

ence kept the love of independence alive. To seek security by a threat of retaliation on innocent men was an unworthy act which received no support from Sir Henry Clinton.

29.

André was without loss of time conducted to the headquarters of the army at Tappan. His offence was so clear that it would have justified the promptest action; but, to prevent all possibility of complaint from any quarter, he was, on the twenty-ninth, brought before a numerous and very able board of officers. On his own confession and without the examination of a witness, the board, on which sat Greene, second only to Washington in the service; St. Clair, afterwards president of congress; Lafayette, of the French army; Steuben, from the staff of Frederic the Second; Parsons, Clinton, Glover, Knox, Huntingdon, and others, all well known for their uprightness,—made their unanimous report that Major André, adjutant-general of the British army, ought to be considered as a spy from the enemy and to suffer death. Throughout the inquiry André was penetrated with the liberality of the members of the court, who showed him every mark of indulgence, and required him to answer no interrogatory which could even embarrass his feelings.¹ He acknowledged their generosity in the strongest terms of manly gratitude, and afterwards remarked to one who visited him, that if there were any remains in his mind of prejudice against the Americans, his present experience must obliterate them.¹

On the thirtieth the sentence was approved by Washington, and ordered to be carried into effect

¹ Hamilton, i. 178.

the next day. Clinton had already in a note to Washington asked André's release, as one who had been protected by "a flag of truce and passports granted for his return." André had himself, in his examination before the board of officers, repelled the excuse which Clinton made for him; and indeed to have used a flag of truce for his purposes would have aggravated his offence. Washington replied by enclosing to the British commander-in-chief the report of the board of inquiry, and observed "that Major André was employed in the execution of measures very foreign to flags of truce, and such as they were never meant to authorize."

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At the request of Clinton, who promised to present "a true state of facts," the execution was delayed till the second day of October, and General Robertson, attended by two civilians, came up the river for a conference. The civilians were not allowed to land; but Greene was deputed to meet the officer. Instead of presenting facts, Robertson, after compliments to the character of Greene, announced that he had come to treat with him. Greene answered: "The case of an acknowledged spy admits no official discussion." Robertson then proposed to free André by an exchange. Greene answered: "If André is set free, Arnold must be given up;" for the liberation of André could not be asked for except in exchange for one who was equally implicated in the complot. Robertson then forgot himself so far as to deliver an open letter from Arnold to Washington, in which, in the event André should suffer the penalty of death, he used these threats: "I shall think myself bound by every tie of duty and honor to retaliate on such

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2.

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unhappy persons of your army as may fall within my power. Forty of the principal inhabitants of South Carolina have justly forfeited their lives; Sir Henry Clinton cannot in justice extend his mercy to them any longer, if Major André suffers."

Meantime André entreated with touching earnestness that he might not die "on the gibbet." Washington and every other officer in the American army were moved to the deepest compassion; and Hamilton, who has left his opinion that no one ever suffered death with more justice and that there was in truth no way of saving him, wished that in the mode of his death his feelings as an officer and a man might be respected. But the English themselves had established the exclusive usage of the gallows. At the beginning of the war, their officers in America threatened the highest American officers and statesmen with the cord. It was the only mode of execution authorized by them. Under the orders of Clinton, Lord Cornwallis in South Carolina had set up the gallows for those whom he styled deserters, without regard to rank. Neither the sentence of the court nor the order of Washington names death on the gallows; the execution took place in the manner that was alone in use on both sides.

In going to the place of execution, a constrained smile hid the emotions of André. Arrived at the fatal spot, the struggle in his mind was visible; but he preserved his self-control. "I am reconciled," he said, "to my fate, but not to the mode." Being asked at the last moment if he had any thing to say, he answered: "Nothing but to request you to witness to the world that I die like a brave man."

Tried by the laws of morals, it is one of the worst forms of dissimulation to achieve by corruption and treachery what cannot be gained by honorable arms. If we confine our judgment within the limits of the laws of war, it is a blemish on the character of André that he was willing to prostitute a flag, to pledge his word, even under the orders of his chief, for the innocence and private nature of his design, and to have made the lives of faultless prisoners hostages for his own. About these things a man of honor and humanity ought to have had a scruple; "but the temptation was great, let his misfortunes cast a veil over his errors." The last words of André committed to the Americans the care of his reputation; and they faithfully fulfilled his request. The firmness and delicacy observed in his case was exceedingly admired on the continent of Europe.¹ His king did right in offering honorable rank to his brother, and in granting pensions to his mother and sisters; but not in raising a memorial to his name in Westminster Abbey. Such honor belongs to other enterprises and deeds. The tablet has no fit place in a sanctuary, dear from its monuments to every friend to genius and mankind.

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1780.

As for Arnold he had not feeling enough to undergo mental torments, and his coarse nature was not sensitive to shame. He suffered only when he found that baffled treason is paid grudgingly; when employment was refused him; when he could neither stay in England nor get orders for service in America; when, despised and neglected, he was pinched by want.

¹ Jay to Washington, 29 March, 1781, in Jay's Jay, ii. 75.

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—
1780.

But the king would not suffer his children to starve, and eventually their names were placed on the pension list.

Sir George Rodney returned to the West Indies, and, so far as related to himself, let the unsuccessful conspiracy sink into oblivion. For Clinton, the cup of humiliation was filled to the brim. "Thus ended," so he wrote in his anguish to Germain, "this proposed plan from which I had conceived such great hopes and imagined such great consequences." He was, moreover, obliged to introduce into high rank in the British army, and receive at his council table, a man who had shown himself so sordid that British officers of honor hated to serve under him, or with him, or over him. Bankrupt and escaping from his creditors, Arnold preferred claims for indemnity, and received between six and seven thousand pounds. Moreover he had the effrontery to make addresses to the American people respecting their alliance with France; to write insolent letters to Washington; to invite all Americans to desert the colors of their country like himself; to advise the breaking up of the American army by wholesale bribery. Nay, he even turned against his patron as wanting activity, assuring Germain that the American posts in the Highlands might be carried in a few days by a regular attack. No one knew better than Clinton that André was punished justly; yet in his private journal he aimed a stab at the fair fame of his signally humane adversary, whom he had been able to overcome neither in the field nor by intrigue; and attributed an act of public duty to personal "rancor," for which no cause

whatever existed. The false accusation proves not so much malignity in its author as feebleness.¹

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Washington sought out the three young men who, "leaning only on their virtue and an honest sense of their duty," could not be tempted by gold; and on his report congress voted them annuities in words of respect and honor.

1780.

¹ In my narrative I have followed only contemporary documents, which are abundant and of the surest character, and which, taken collectively, solve every question. The most important are: The proceedings of the American court of inquiry; Clinton's elaborate letters to Lord George Germain of 11 and 12 Oct., 1780; Narrative of correspondence and transactions respecting General Arnold in Sir Henry Clinton's letter of 11 Oct., 1780; Two letters of Clinton to Germain of 12 Oct., 1780; Clinton's secret letter of 30 Oct., 1780; Clinton's report to Lord Amherst of 16 Oct., 1780; Extract from Clinton's Journal in Mahon's England, vii., Appendix vii. to xi.; Journal of General Matthews; Trial of Joshua Hett Smith, edited by Henry B. Dawson, New York, 1866; and especially Hamilton's Account of André's Affair in Works, i. 172-182. This last is particularly valuable, as Hamilton had the best opportunities to be well informed; and in his narrative, if there are any traces of partiality, it is towards André that he leaned. The reminiscences of men who wrote in later days are so mixed up with errors of memory and fable that they offer no sure foothold.

The letter of Hamilton to Miss Schuyler, as repeatedly printed with the date of 2 Oct., contains interpolations and omissions. I

took a copy of it from the original. It has no date: since it enclosed his account of Arnold's affair, sent in compliance with a promise, it must have been written many days later than 2 Oct. It begins as follows: "No. 11. Since my last to you, I have received your letters Nos. 3 and 4. The others are yet on the way. Though it is too late to have the advantage of novelty, to comply with my promise I send you my account of Arnold's affair; and to justify myself to your sentiments I must inform you that I urged a compliance with André's request to be shot."

It has been said that, as a return for clemency, André should have been spared. Here is an extract of an order of the subordinate of Clinton, which met his acquiescent approval, and which he forwarded to Lord George Germain: "I have ordered in the most positive manner that every militia-man who has borne arms with us and afterwards joined the enemy shall be immediately hanged." By militia-men were meant alike officers and privates, of whatever merit or station, and the order was rigorously executed without regard to military rank. What was thought of the order by the British government appears from Lord George Germain's answer, of which an extract follows: "The most disaffected will now be convinced that we are not afraid to punish."

CHAPTER XIX.

STRIVING FOR UNION.

1779-1781.

CHAP.
XIX.

1779.

“OUR respective governments which compose the union,” so ran the circular of congress to the states in the opening of the year 1779, “are settled and in the vigorous exercise of uncontrolled authority.” Itself without credit and unable to enforce the collection of taxes, it increased its paper money. About one hundred and six millions were then in circulation. The worth of the continental dollar, for a time buoyed up by the French alliance, had in three months fallen from twenty cents to twelve and a half. For the service of the year 1779, congress invited the states to pay by instalments their respective quotas of fifteen millions; and, further, to pay six millions annually for eighteen years as a fund to sink all previous emissions and obligations. The two series which under British auspices had been most largely counterfeited were called in; but this act impaired the credit of them all more than would have been

done by leaving the people to discriminate for themselves. After these preliminaries, a new issue of a little more than fifty millions was authorized.

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1779.

"The state of the currency was the great impediment to all vigorous measures;" it became a question whether men, if they could be raised, could be subsisted. In April, when a paper dollar was worth but five cents, it was said that "a wagon-load of money would scarcely purchase a wagon-load of provisions." The Pennsylvania farmers were unwilling to sell their wheat except for hard money. There seemed no hope of relief but from some central authority. To confederate without Maryland was the vote of Connecticut; with nine or more states, was the opinion at Boston; with "so many as shall be willing to do so," allowing to the rest a time during which they might come in, was the decision of Virginia.

April.

May.

Late in May, congress apportioned among the states forty-five millions of dollars more, though there was no chance that the former apportionment would be paid. Four times in the course of the year it sent forth addresses to the several states. Newspapers, town meetings, legislatures, teemed with remedial plans; but the issue of paper constantly increased, and its value fell with accelerated velocity. In the middle of August, when a paper dollar was worth but three or four cents, Washington, who had suffered very heavy losses and remained really willing to sacrifice his whole estate, instructed his agent that the legal-tender law countenanced dishonesty.

Aug.
17.

On the second of September, congress having ascertained that the sum of outstanding emissions was but a little short of one hundred and sixty

Sept.
2.

CHAP. millions, limited paper money to two hundred mil-
 XIX. lions ; and the limit was reached before the end of
 1779. the year. In October, it appointed Henry Laurens of
 Oct. South Carolina to negotiate a loan of ten millions in
 Nov. the Netherlands. In November, it further resolved
 to draw upon him for one hundred thousand pounds
 sterling ; and to draw on Jay at Madrid, for as much
 more. The two were instructed mutually to support
 each other ; but neither of them had any resources.
 The king of Spain was the most determined foe
 to the independence of the United States ; and the
 United Provinces had not yet acknowledged their
 existence. In the midst of these financial straits, the
 year came to an end ; and a paper dollar, which in
 January had been worth twelve and a half cents, was
 in December worth less than two and a half cents.

June The legislature of Virginia had, on the second of
 2. June, 1779, unanimously ratified the treaties of al-
 liance and commerce between France and the United
 States ; and the governor had, under the seal of the
 commonwealth, notified the French minister at Phil-
 adelphia of the act. On this procedure, Vergennes
 Sept. in September instructed the French minister at Phil-
 adelphia in these words: "During the war it is
 essential both for the United States and for us that
 their union should be as perfect as possible. When
 they shall be left to themselves, the general confed-
 eration will have much difficulty in maintaining
 itself, and will perhaps be replaced by separate con-
 federations. Should this revolution take place, it
 will weaken the United States, which have not now
 and never will have real and respectable strength
 except by their union. But it is for themselves alone

to make these reflections. We have no right to present them for their consideration, and we have no interest whatever to see America play the part of a power. The possibility of the dissolution of the general confederation, and the consequent suppression of congress, leads us to think that nothing can be more conformable to our political interest than separate acts by which each state shall ratify the treaties concluded with France; because in this way every state will be found separately connected with us, whatever may be the fortune of the general confederation.”¹

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1779.

Maryland was the only other state to take notice of treaties, and it did no more than approve the act of its delegates in ratifying them. The sentiment of congress was strong against these seeming assumptions of a separate voice on a subject reserved exclusively for the deliberation of all. Before the war was ended, both Maryland and Virginia applied to France for assistance, which the latter received.

On the question of a closer union, Virginia hung nearly on the balance. The first of her citizens was at the head of the army, and was using all his powers of persuasion to promote an efficient government; and her legislature selected Madison, a friend to union, as one of her representatives. On the other hand, as the chief claimant of western and north-western lands in opposition to congress, she, above all others, asserted the sovereignty of the separate states. Congress had received petitions from persons, claiming to be companies, holding land north-west of the Ohio. “Should congress assume a jurisdiction,”

¹ Vergennes to Luzerne, 27 Sept., 1779.

CHAP. such was the remonstrance of the general assembly
 XIX. of Virginia, "it would be a violation of public faith;
 1779. introduce a most dangerous precedent, which might
 hereafter be urged to deprive of territory or subvert
 the sovereignty and government of any one or more
 of the United States; and establish in congress a
 power which, in process of time, must degenerate
 into an intolerable despotism. "Although the gen-
 eral assembly of Virginia would make great sacrifices
 to the common interest of America (as they have
 already done on the subject of representation), and
 will be ready to listen to any just and reasonable
 propositions for removing the ostensible causes of
 delay to the complete ratification of the confedera-
 tion, they do hereby, in the name and on behalf of
 the commonwealth of Virginia, expressly protest
 against any jurisdiction or right of adjudication in
 congress, upon the petitions of the Vandalia or Indi-
 ana companies, or on any other matter or thing
 subversive of the internal policy, civil government,
 or sovereignty of this or any other of the United
 American States, or unwarranted by the articles of
 confederation." Congress, on mature consideration,
 declined the discussion of the remonstrance.

1780. To counterbalance the sturdy resistance of Virginia,
 the legislature of New York took the field. They
 founded claims to western territory on the discoveries
 of the Dutch; on the grant from Charles the Second
 to the Duke of York; on the capitulation of the
 Dutch; on the acquisition of the rights of the Five
 Nations and their tributaries as the native propri-
 etors. Desirous to accelerate the federal alliance, on
 the nineteenth of April, 1780, they authorized con-

April
 19.

gress to restrict their boundaries on the west. This is the first important act of the states in surrendering public lands to the federal union.

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At the opening of the year 1780, congress found itself utterly helpless, and threw everything upon the states. In truth, there was nothing else that it could do. On the ninth of February, it fixed the number of men necessary for the service of the year at thirty-five thousand two hundred and eleven, and required the states to furnish by drafts or otherwise, before the first day of the coming April, the respective deficiencies in their quotas, which were prescribed with exactness. But troops need to be subsisted: congress called on the several states to furnish their respective quotas of supplies for the ensuing season; thus shoving off from itself all care for recruiting the army, and all responsibility for its support. To gain money, it directed the states to bring into the continental treasury, by taxes or otherwise, one million two hundred and fifty thousand dollars every month to the month of April, 1781, inclusive, in hard money or with forty dollars in the old bills for one dollar of the tax. The bills that should be thus brought in were to be destroyed; and, for every forty dollars actually cancelled, two dollars of a new issue might be uttered, bearing five per cent interest, receivable by the continental treasury as specie, and redeemable in specie by the several states on or before the last day of December, 1786.

Feb.
9.

As fast as the new bills should be signed and emitted, the states respectively on whose funds they were to be issued were to receive three-fifths of them, and the remaining two-fifths were to be subject

CHAP. to the order of the United States, and to be duly
XIX. credited to the several states. All laws on legal
1780. tender were to be adapted to the new system. The elaborate plan was generally well received, though by a mere vote it sponged out thirty-nine fortieths of the former currency. As the bills were to be issued in the names of the several states according to enactments of their own legislatures, the plan could not go into effect till each one of them should give authority for the use of its name. Meantime, the demands on the continental treasury were in part answered by warrants on the several states, which found means to discharge them, using the taxes collected for the continental treasury.

Pennsylvania was the first state that had the opportunity to accept the measure, and it adjourned without acting upon it. The legislature of Virginia rejected it by an overwhelming majority, and at last, after great persuasion, accepted it by a majority of but two. The new emission wanted credit from the beginning; the old currency soon ceased to circulate.

A cry arose among patriotic men, especially in the army, for an efficient government. "While the powers of congress," wrote Greene, "are so incompetent to the duty required of them, I have but little hopes that the face of our affairs will mend; on the contrary, I fear they will grow worse and worse until ruin overtakes us." In the army, which had been unpaid for five months, every department was without money and without the shadow of credit. To relieve this gloomy state of things, congress, on the tenth of April, 1780, promised to make good to the officers and line the depreciation in their pay; but the

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promise was little worth. For a long time the troops received only from one-half to one-eighth of a ration of meat, and were several days without a single pound of it. Washington appealed to the president of the rich state of Pennsylvania, which, except for a few months in 1777 and 1778, had been untouched by the war; but it was in vain. "The great man," wrote Greene secretly to the president of Pennsylvania, "is confounded at his situation, but appears to be reserved and silent. Should there be a want of provisions, we cannot hold together many days in the present temper of the army." On the twenty-fifth of May, two regiments of Connecticut, worn out by want of clothes and food and pay, paraded under arms, declaring their resolution to return home, or to obtain subsistence for themselves; and they were brought back to their duty only by being reminded that they were defenders of the rights of mankind, and, as a grave writer who was then with the army relates, by the "influence of the commander-in-chief whom they almost adored." The enemy appeared against them in the midst of these trials; and they rallied as one man and kept him at bay.

"Certain I am," wrote Washington in May, to his friend Joseph Jones, a delegate from Virginia, "unless congress are vested with powers by the several states competent to the great purposes of war, or assume them as matter of right, and they and the states respectively act with more energy than they have hitherto done, our cause is lost. We can no longer drudge on in the old way. By ill-timing in the adoption of measures, by delays in the execution of them, or by unwarrantable jealousies, we incur

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enormous expenses and derive no benefit from them. One state will comply with a requisition of congress; another neglects to do it; a third executes it by halves; and all differ either in the manner, the matter, or so much in point of time, that we are always working up hill. While such a system as the present one, or rather want of one, prevails, we shall ever be unable to apply our strength or resources to any advantage.

“This, my dear sir, is plain language to a member of congress, but it is the language of truth and friendship. It is the result of long thinking, close application, and strict observation. I see one head gradually changing into thirteen. I see one army branching into thirteen, which, instead of looking up to congress as the supreme controlling power of the United States, are considering themselves as dependent on their respective states. In a word, I see the powers of congress declining too fast for the consideration and respect which are due to them as the great representative body of America, and I am fearful of the consequences.”

“Congress,” answered his correspondent, “have scarcely a power left but such as concerns foreign transactions; for, as to the army, they are at present little more than the medium through which its wants are conveyed to the states. This body never had, or at least in few instances ever exercised, powers adequate to the purposes of war; and indeed such as they possessed have been frittered away to the states, and it will be found very difficult to recover them. Resolutions are now before us, by one of which the states are desired to give express

powers for the common defence. Others go to the assumption of them immediately. The first will sleep with the states; the others will die where they are, so cautious are some of offending the states.”

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When it became certain that troops from France were on their way to assist the country, congress made not even a semblance of direct action, and could only entreat the states to correspond severally with its committee at headquarters, so that it might explicitly know how far they could be relied on to furnish the men and money and provisions that had been called for. The legislature of Pennsylvania, before its adjournment, vested large discretionary powers in its president; but these from motives of prudence he declined to use. It remained to be seen what private efforts could do. In June, steps were taken at Philadelphia for founding a bank with power to issue notes. The subscribers proposed, but only on adequate security, to make purchases in advance for the suffering soldiers. Congress accepted the proffered aid, and further resolved to advance to the company as much of its paper money as could be spared from other services. Thus began the deposit of funds of the United States with a bank.

June.

Throughout the war, the women of America never grew weary of yielding up articles necessary for the comfort of their own households, to relieve the distresses of the soldiers. The women of Philadelphia, rallying round the amiable Esther Reed, wife of the president of Pennsylvania, now made a more earnest effort: they brought together large donations of clothing, and invited the ladies of other states to adopt a like plan. They thus assisted to keep alive

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the spirit of patriotism in the army, but their gifts could not meet its ever-recurring wants.

“The congress,” wrote Greene towards the end of June, “have lost their influence. I have for a long time seen the necessity of some new plan of civil constitution. Unless there is some control over the states by the congress, we shall soon be like a broken band.”

Without the impulse from a centre, there could be no good administration. Money enough had been expended for clothing the army; but large importations were left to waste in different parts of the country, and the troops were never seen otherwise than half naked. When congress drew supplies in kind directly from each state for its own troops, quotas were sometimes apportioned by the states to their towns, and in towns to individuals. Men of small means in a New England village would club together to buy an ox of a weight equal to their collective quotas, and herds of cattle gathered in this way were driven slowly to camp. All this marked an active spirit of patriotism reaching to the humblest and remotest, but it showed the want of organized power.

Even with the energy of Greene, there could be no efficient administration in the quartermaster's department, though it had been placed on a centralized system under his immediate authority with powers almost independent of congress, and with most liberal and even lucrative emoluments for himself, his assistants and subordinates. Washington was satisfied that he did all that was possible, that he “conducted the various duties of his office with capacity

and diligence, and with the strictest integrity." The system itself in the hands of a bad man would have opened the way to endless abuses; and congress wisely restored its own controlling civil supervision. Dismissing a useless supernumerary, it determined to have but one head of the quartermaster's department at the seat of congress, and one at the camp; and in paying the officers of the staff it returned to salaries instead of commissions.¹ The unanimous judgment of the country from that day to this has approved the reform. Greene, to whom his office had for more than a year become grievously irksome, resigned with petulant abruptness; but congress, still following its sense of public duty, conquered its well-grounded displeasure, and soon after, on the advice of Washington, appointed him to the command of the southern army. His successor in the quartermaster's department was Timothy Pickering, who excelled him as a methodical man of business; so that the department suffered nothing by the change.

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The tendency to leave all power in the hands of the separate states was a natural consequence of their historic development, and was confirmed by pressing necessity. "A single assembly," so John Adams

¹ Gérard, in reporting the cost of the war to Vergennes, writes: "L'Intendant de l'armée ou quartier-maître Général a cinq % sur toutes ses dépenses, et ses agens ont autant." My copy of the letter is an office copy, and the word "cinq" is written out in full. The journals of congress of 2 March, 1778, allowed, with a merely trifling abatement, one per cent upon the moneys issued in the department for the pay of

the chiefs. In excusing himself for accepting unusual emoluments, among reasons of no weight, Greene pleads that he was poor, with a family to provide for. It would not be fair to compare his conduct with that of another who was opulent and childless. If he had but lived longer, his country would have delighted to show its gratitude for his signal services.

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long continued to reason, "is every way adequate to the management of all the federal concerns of the people of America; and with very good reason, because congress is not a legislative assembly, nor a representative assembly, but a diplomatic assembly."

Conventions of states had been held in 1776, and in every successive year, to consider the decline of the paper currency, and the regulation of prices. One of these attracted the more attention, as it assembled at Philadelphia, represented every state north of Virginia except New York, and prolonged its existence by adjournments. At the convention called in August, 1780, no states appeared except Massachusetts, Connecticut, and New Hampshire; but a step was taken towards the formation of a federal constitution. After adopting a series of measures best suited to the campaign, they resolved "that the union of these states be fixed in a more solid and permanent manner; that the powers of congress be more clearly ascertained and defined; that the important national concerns of the United States be under the superintendency and direction of one supreme head; that it be recommended to the states to empower their delegates in congress to confederate with such of the states as will accede to the proposed confederation; and that they invest their delegates in congress with powers competent for the government and direction of all those common and national affairs which do not nor can come within the jurisdiction of the particular states."¹

To these resolutions Washington invited the attention of Bowdoin, then president of the council of

¹ Hamilton's Republic, ii. 83.

Massachusetts. "If adopted," said he, "they will be the means, most likely, to rescue our affairs from the complicated and dreadful embarrassments under which they labor, and will do infinite honor to those with whom they originate. I sincerely wish they may meet with no opposition or delay in their progress."

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The words of the convention sunk deeply into the mind of Hamilton, who for three and a half years had been Washington's most able and confidential secretary; and, under his eye and guidance had watched the course of affairs from the central point where they could best be overseen. To these opportunities he added the resources of an inventive and fearless mind, joined to the quick impulses of youth, and the habit of steady and severe reflection. Uncontrolled by birth or inherited attachments to any one state, he fastened with superior power upon the idea of a stronger union. Of Scotch and Celtic origin, he had something of proneness to the exercise of authority. His nature and temperament demanded a strong and well-organized government of ever-active and enduring power. Though still so young, his creative mind was, and remained for his lifetime, the wellspring of ideas for the conservative politicians of New York, and of an ever-increasing circle in other states. From his childhood he was unbounded in his admiration of the English constitution, and did not utterly condemn its methods of influence in the conduct of public affairs; yet in his own nature there was nothing mean or low; he was disinterested, and always true to the sense of personal integrity and honor. The character of his mind and

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his leaning to authority, combined with something of a mean opinion of his fellow-men, cut him off from the sympathy of the masses, so that he was in many ways unfit to lead a party; and the years of his life which were most productive of good were those in which he acted with Washington, who was the head, the leader, and the guide of a nation in a manner which he was not only incapable of, but could never even fully comprehend. While the weightiest testimony that has ever been borne to the ability of Hamilton is by Washington, there never fell from Hamilton's pen during the lifetime of the latter one line which adequately expressed the character of Washington, or gave proof that he had had the patience to verify the immense power that lay concealed beneath the uniform moderation and method of his chief. He had a good heart, but with it the pride and the natural arrogance of youth, combined with an almost overweening consciousness of his powers, so that he was ready to find faults in the administration of others, and to believe that things might have gone better if the direction had rested with himself. Bold in the avowal of his own opinions, he was fearless to provoke and prompt to combat opposition. It was not his habit to repine over lost opportunities; his nature inclined him rather to prevent what seemed to him coming evils by timely action.

The England of that day had its precocious statesmen. For stateliness of eloquence, and consummate skill in managing a legislative assembly, the palm must be given to Pitt, whom Hamilton excelled in vigor, consistency, and versatility. There were points of analogy between Hamilton and Fox. Both were

of warm and passionate natures; but Hamilton became the father of a family, while Fox wasted life as a libertine. It was remarkable of both of them, that, with glowing natures, their style in debate and in writing was devoid of ornament, attractive only by strength of thought and clearness of expression.

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On the third of September, 1780, Hamilton took the field as a maker of a national constitution by inviting Duane, a member of congress from New York, to hold up to that body the example of the New England states, and to call on the first day of the next November a convention of all the states, with full authority to conclude finally upon a general confederation. He traced the causes of the want of power in congress, and censured that body for its timidity in refusing to assume authority to preserve the republic from harm. "Undefined powers," he said, "are discretionary powers, limited only by the object for which they were given," not holding in mind that congress could not have assumed such powers, even if it would. "Already," he continued, "some of the lines of the army, but for the personal influence of the general, would obey their states in opposition to congress, notwithstanding the pains taken to preserve the unity of the army. The sovereign of an empire under one simple form of government has too much power; in an empire composed of confederated states, each with a government completely organized within itself, the danger is directly the reverse."

Sept.
3.

"We must, at all events, have a vigorous confederation," he said, "if we mean to succeed in the contest, and be happy thereafter. Internal police

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should be regulated by the legislatures. Congress should have complete sovereignty in all that relates to war, peace, trade, finance, foreign affairs, armies, fleets, fortifications, coining money, establishing banks, imposing a land-tax, poll-tax, duties on trade, and the unoccupied lands." "The confederation should provide certain perpetual revenues, productive and easy of collection, — a land-tax, poll-tax, or the like; which, together with the duties on trade and the unlocated lands, would give congress a substantial existence." "Where the public good is evidently the object, more may be effected in governments like ours than in any other. It has been a constant remark, that free countries have ever paid the heaviest taxes. The obedience of a free people to general laws, however hard they bear, is ever more perfect than that of slaves to the arbitrary will of a prince."

"As to the plan of confederation which congress had proposed, it is," he said, "defective, and requires to be altered. It is neither fit for war nor peace. The idea of an uncontrollable sovereignty in each state will defeat the powers given to congress, and make our union feeble and precarious."

The second step which Hamilton recommended was the appointment of great officers of state, — one for the department of foreign affairs, another for war, a third for the navy, a fourth for the treasury. These were to supersede the committees and the boards which had hitherto been usual; but his plan neither went so far as to propose a president with the chief executive power, nor two branches in the national legislature. He would have placed the army exclu-

sively under congress, but perhaps mistook its importance as "a solid basis of authority and consequence." CHAP.
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 The precedent of the Bank of England, of which he 1780.
 over-estimated the influence on public credit, led him
 to place too much reliance on a bank of the United
 States.

The advice which Hamilton offered from his tent in the midst of an unpaid, half-fed, and half-clad army, was the more remarkable from the hopefulness which beamed through his words. No doubt crossed his mind, or, indeed, that of any of his countrymen, that a republic of united states could be formed over a widely extended territory.

Two days later, Washington, with Duane at his side, gazed from Weehawken heights on the half-ruined city of New York in her bondage. He may not have fully foreseen how the wealth and commercial representatives of all the nations of the world would be gathered on that island and the neighboring shores; but he, too, never doubted of the coming prosperity and greatness of his country.

Congress toiled as before, and, if for the moment it toiled in vain, it secured the future. It urged on the states a liberal surrender of their territorial claims in the west, "to accelerate the federal alliance and lead to the happy establishment of the federal union;" and, as if its eye had pierced the glories of the coming century, it provided "that the western lands which might be ceded to the United States should be settled and formed into distinct republican states, which shall become members of that federal union, and have the same rights of sovereignty, freedom, and independence as the other states." In October,

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in words drafted by Robert R. Livingston, it adhered with hearty good-will to the principles of the armed neutrality, and by a vote of a majority of the states it sought to quiet the discontent among the officers in the army by promising them half-pay for life. But to relieve the embarrassments of the moment it was powerless.

Again on the twenty-second of October, Washington, to guide his native state towards union, poured out his heart to his early friend George Mason: "Our present distresses are so great and complicated, that it is scarcely within the powers of description to give an adequate idea of them. With regard to our future prospects, unless there is a material change both in our civil and military policy, it will be in vain to contend much longer.

"We are without money; without provision and forage, except what is taken by impress; without clothing; and shortly shall be, in a manner, without men. In a word, we have lived upon expedients till we can live no longer. The history of this war is a history of temporary devices instead of system, and economy which results from it.

"If we mean to continue our struggles (and it is to be hoped we shall not relinquish our claims), we must do it upon an entire new plan. We must have a permanent force; not a force that is constantly fluctuating and sliding from under us, as a pedestal of ice would leave a statue on a summer's day; involving us in expense that baffles all calculation, an expense which no funds are equal to. We must at the same time contrive ways and means to aid our taxes by loans, and put our finances upon a more

certain and stable footing than they are at present. Our civil government must likewise undergo a reform; ample powers must be lodged in congress as the head of the federal union, adequate to all the purposes of war. Unless these things are done, our efforts will be in vain.”

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On the fourth of November, congress once more distributed among the several states a tax of six millions of silver dollars, to be paid partly in specific articles. But in truth everybody came to the conviction that the country must depend on France for aid in money. “It is now four days,” wrote Glover to Massachusetts on the eleventh of December, “since your line of the army has eaten one mouthful of bread. We have no money; nor will anybody trust us. The best of wheat is at this moment selling in the state of New York for three-fourths of a dollar per bushel, and your army is starving for want. On the first of January something will turn up, if not speedily prevented, which your officers cannot be answerable for.”

Nov.
4.Dec.
11.

When congress in September, 1776, had transferred the enlistment of troops to the states, the new recruits were to bind themselves to serve for the war; but in some cases the enlistment was made “for three years or for the war;” and three years had passed since that time. In the night of the first of January, 1781, a part of the Pennsylvania line, composed in a large degree of Irish immigrants, and huddled at Morristown, revolted, and, under the lead of their non-commissioned officers, marched with six field-pieces to Princeton. The want of clothes in winter, of pay for nearly a year, the not infrequent want of

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food, the compulsion imposed upon some of them to remain in service beyond the three years for which they believed they had engaged, were extremities which they would no longer endure.

Informed of the mutiny, Sir Henry Clinton passed over to Staten Island with a body of troops for its support; but two emissaries whom he sent to them with tempting offers were given up by the mutineers, and after trial were hanged as spies. Reed, the president of Pennsylvania, repaired to the spot, though it was beyond his jurisdiction; and without authority, and without due examination of each case, he discharged those who professed to have served out their specified term, while measures were taken by the state of Pennsylvania to clothe and pay the rest. They, for the most part, obtained no more than was due them; but it was of evil tendency that they gained it by a revolt.

In a circular letter to the New England states, of which Knox was made the bearer, Washington laid open the aggravated calamities and distresses of the army. "Without relief the worst," he said, "that can befall us may be expected. I will continue to exert every means I am possessed of to prevent an extension of the mischief; but I can neither foretell nor be answerable for the issue."

Troops of New Jersey, whose ranks next to the Pennsylvania line included the largest proportion of foreigners, showed signs of being influenced by the bad example; but Washington interposed. The troops of New England, which had twenty regiments in the continental service, had equal reasons for discontent; but they were almost every one of them

native Americans, freeholders or sons of freeholders. In spite of their nakedness, they marched through deep snows, over mountainous roads, and suppressed the incipient revolt. The passions of the army were quieted by their patriotism; and order and discipline returned. "Human patience has its limits," wrote Lafayette to his wife on the occasion; "no European army would suffer the tenth part of what the American troops suffer. It takes citizens to support hunger, nakedness, toil, and the total want of pay, which constitute the condition of our soldiers, the hardest and most patient that are to be found in the world."

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Knox reported from New England zealous efforts to enlist men for the war. Congress could do nothing, and confessed that it could do nothing. "We have required," thus they wrote to the states on the fifteenth of January, 1781, "aids of men, provisions, and money;" and they stated exactly the difficulty under which the union labored when they added: "the states alone have authority to execute."

Since congress itself made a public confession of its powerlessness, nothing remained but to appeal to France for rescue not from a foreign enemy, but from the evils consequent on its own want of government. "If France lends not a speedy aid," wrote Greene from the south to her minister in Philadelphia, "I fear the country will be for ever lost;" and Greene was "not of a desponding spirit or idle temper."

It was therefore resolved, for the moment, to despatch to Versailles as a special minister some one who had lived in the midst of the ever-increasing distresses of the army, to set them before the govern-

CHAP. XIX.
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 Jan. ment of France in the most striking light. Hamilton, the fittest man for the office, was not known to congress; and its choice fell on the younger Laurens of South Carolina.

To the agent Washington confided a statement of the condition of the country; and with dignity and candor avowed that it had reached a crisis out of which it could not rise by its own unassisted strength. "Without an immediate, ample, and efficacious succor in money," such were his words, "we may make a feeble and expiring effort in our next campaign, in all probability the period of our opposition. Next to a loan of money, a constant naval superiority on these coasts is the object most interesting;" and without exaggeration he explained the rapid advancement of his country in population and prosperity, and the certainty of its redeeming in a short term of years the comparatively inconsiderable debts it might have occasion to contract. To Franklin he wrote in the same strain; and Lafayette addressed a like memorial of ripe wisdom to Vergennes.

While the United States thus importuned a foreign prince for help, their people, in proportion to numbers, was richer than the people to whose king from their own want of government they were obliged to appeal. Can France organize its resources, and are the people of the republican America incapable of doing so? Can monarchy alone give to a nation unity? Is freedom necessarily anarchical? Can liberty not administer and rule? Are authority and the hopes of humanity for ever at variance? Can Louis the Sixteenth have revenues, armies, and fleets; and are American statesmen powerless to bring out the re-

sources of their collective states? Are the people of the United States, who so excel that of France in liberty, doomed to hopeless inferiority in respect of administration? For the eye of Robert Livingston, then the most influential member from New York, Washington traced to their source the evils under which the country was sinking, and invited their correction. "There can be no radical cure," wrote he, "till congress is vested by the several states with full and ample powers to enact laws for general purposes, and till the executive business is placed in the hands of able and responsible men. Requisitions then will be supported by law."

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31.

Congress began to be of the same opinion. On the fifth of February, Witherspoon of New Jersey, seconded by Burke of North Carolina, proposed to vest in that body the power to regulate commerce, and to lay duties upon imported articles. The proposition was negatived, but it was resolved to be indispensably necessary for the states to vest a power in congress to levy a duty of five per cent on importations of articles of foreign growth and manufacture. Before that power could be so vested, the separate approval of every one of the thirteen states must be gained.

Feb.
5.

The assent of Virginia was promptly given. That great commonwealth, having Jefferson for its governor, sought to promote peace and union. To advance the former, it even instructed its delegates in congress to surrender the right of navigating the Mississippi river below the thirty-first degree of north latitude, provided Spain in return would guarantee the navigation of the river above that parallel. Madison, obeying the instruction, voted for the meas-

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ure contrary to his private judgment. Massachusetts, Connecticut, and North Carolina alone opposed, New York being divided. Virginia did more. Avowing her regard for a "federal union," and preferring the good of the country to every object of smaller importance, it resolved to yield its title to the lands north-west of the Ohio, on condition that the territories should be formed into distinct republican states, and be admitted members of the federal union; and Jefferson, who from the first had pledged himself to the measure, announced to congress the great act of his administration in a letter full of hope for the completion of the American union, and the establishment of free republics in the vast country to which Virginia quitted her claim.

March
1.

The first day of March was a great day in the history of the country. America had proceeded by petitions to the king, by a declaration of rights, by an appeal to the world on taking up arms, by her declaration of independence onwards to the confederation which was designed to make them one people for all time; Maryland, the last of the thirteen states, subscribed and ratified the articles; and the United States of America, each and every of them, adopted, confirmed, and ratified their confederation and perpetual union. A new era of the United States assembled in congress was begun.

It is terrible when a state, long crushed by sufferings, struggles for that which promises relief, and on attaining it finds it an illusion. The people of the United States thought that they had established a government, and there was no government. In the form drafted by Dickinson, the confederation

was to be only an alliance of sovereign states: every change that had been made had still further impaired its relative consideration. The original report permitted each separate state to impose duties on imports and exports, provided they did not interfere with stipulations in treaties; and the confederation, as adopted, confined this restriction to the treaties already proposed to France and Spain. No power to prohibit the slave-trade was granted. In troops, raised for the common defence, the appointment of field and inferior officers, and the filling up of vacancies, were reserved to the several states.

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The assent of two-thirds of the states, that is of nine states, was required for every important measure of peace or war, of treaties, of finance; and the vote of every absent or unrepresented state was counted in the negative: so that congress for months or even for years might be unable and was unable even to frame a resolution on vital questions.

Further: each state retained its sovereignty and every attribute not expressly delegated to the United States in congress assembled; and, by the denial of all incidental powers, the exercise of the granted powers was rendered impracticable. By the articles of confederation, congress alone could treat with foreign nations; but they provided no method for enforcing treaties, so that the engagements on the part of the nation might at any time be violated by any one of its members.

Congress was to defray expenses for the common defence or general welfare out of a common treasury; but there was no independent treasury: the taxes

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were to be laid and levied by the legislatures of the several states. Moreover, the quotas of the states were to be assigned in proportion to the value of all real estate within each state, and that value each state was to estimate for itself. Congress, which had no direct power to levy any money whatever, could not even assign to the states their quotas, till every one of the thirteen should have completed its valuation. The states might tax imports as much as they pleased: congress could not tax them at all. Congress could declare war, but had not power to bring a single citizen into the field.

A confederation is the opposite to union; since it acts not on individuals, but only on each separate sovereignty. The states of America had formed a confederation, not a union. Room for amendment seemed to be provided for; but such amendment could not take place without the simultaneous and unanimous consent of the states. America had seated anarchy deeply in the very source of legislation. No creative word could go forth: through congress there could be no agreement in reform. With every day men would grow more attached to their separate states; for many of these had the best governments in the world, while the confederation was one of the worst, or rather no government at all.

Washington was the first to perceive the defects of the confederation, and to urge its reform. On the day before it was adopted, he had explained to a young member of the Virginia legislature "the necessity of a controlling power to regulate and direct all matters of general concern. The great business of war," he said, "never can be well conducted, if it

can be conducted at all, while the powers of congress are only recommendatory.”

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“Our independence, our respectability and consequence in Europe, our greatness as a nation hereafter, depend upon vesting congress with competent powers. That body, after hearing the views of the several states fairly discussed, must dictate and not merely recommend.”

And now that the confederation was established, he addressed himself to the great statesmen of Virginia, to Pendleton, Wythe, and Jefferson, to give adequate powers to the representative body of the states, especially a control over refractory states, to compel their compliance with the requisitions made upon them. “Danger,” he wrote, “may spring from delay; good, from a timely application of a remedy. The present temper of the states is friendly to the establishment of a lasting union; the moment should be improved: if suffered to pass away, it may never return; and, after gloriously and successfully contending against the usurpations of Britain, we may fall a prey to our own follies and disputes.”¹

He was more particularly impelled to express his opinions with freedom, because in December, 1779, the legislature of Virginia seemed to have censured the point of enforcing obedience to requisitions. “It would give me concern,” he added, “should it be thought of me that I am desirous of enlarging the powers of congress unnecessarily, as I declare to God my only aim is the general good. Perhaps a knowl-

¹ Madison Papers, i. 82. Mr. Hugh Blair Grigsby assures me that “there can be no doubt that Washington wrote the above letter.” Written by H. B. G. 30 May, 1867; very high authority.

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XIX.

1781.
March.

edge that this power was lodged in congress might be the means to prevent its ever being exercised, and the more readily induce obedience: indeed, if congress was unquestionably possessed of the power, nothing should induce the display of it but obstinate disobedience and the urgency of the general welfare."

April.

The course of business brought the subject immediately into discussion in congress itself. The confederation was but a month and a half old, when a committee presented a report drafted by Madison, proposing by an amendment to the articles of confederation to give to the United States full authority to employ their force, as well by sea as by land, to compel any delinquent state to fulfil its federal engagements; and the reason for the measure as assigned in the preamble was to cement and invigorate the federal union that it might be established on the most immutable basis.

From that day Madison never ceased his efforts till a better system was established; but the most reflecting and far-seeing observers of the inadequacy of the powers allowed to congress dared not hope that its members would be able to remodel the confederacy. In a pamphlet published in May, 1781, at the city in which they were assembled, Pelatiah Webster, an able though not a conspicuous citizen, pointed out to them the necessity of their calling a continental convention for the express purpose of ascertaining, defining, enlarging, and limiting the duties and powers of their constitution.

The American people were bent on having a government, though their road to it lay through humilia-

tion and sorrow. But, while the United States were slowly sounding their way to union, Washington on the first day of May made a note, that instead of magazines they had but a scanty pitance of provisions, scattered here and there in the different parts of the army; and poorly provided arsenals, which the workmen were leaving. The articles of field equipage were not in readiness, nor funds to defray the expenses of regular transportation. Scarce any one of the states had as yet sent an eighth part of its quota into the field; and there was no prospect of a glorious offensive campaign, unless their generous allies should help them with money and with a fleet strong enough to secure the superiority at sea.¹

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¹ Washington's MS. Journal.

CHAPTER XX.

GREAT BRITAIN MAKES WAR ON THE NETHERLANDS.

1780-1781.

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XX.

1780.

THE successor of Lord Weymouth was Lord Stormont, the late British ambassador at Paris. He had an unbounded confidence in the spirit and resources of his country; but this confidence took the worst forms of haughty blindness to moral distinctions in dealing with foreign powers. To the complaints of the Dutch respecting the outrage on their flag, he answered by interpreting treaties directly contrary to their plain meaning, and then by saying: "We are determined to persist in the line of conduct we have taken, be the consequences what they may."¹

The British ministry sent the case of the Dutch merchant vessels that had been carried into Portsmouth to the court of admiralty; and Sir James Mariott, the judge, thus laid down the law: "It imports little whether the blockade be made across the narrows at Dover, or off the harbor at Brest or

¹ Stormont to Yorke, 11 Jan., 1780.

L'Orient. If you are taken, you are blocked. Great Britain, by her insular position, blocks naturally all the ports of Spain and France. She has a right to avail herself of this position as a gift of Providence.”¹

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1780.

Influenced by the preponderating members of the republic, the stadholder addressed a representation to the empress of Russia for concert in the defence of neutral flags. Before it had been received at Petersburg, Prince Galitzin, the Russian envoy at the Hague, on the third of April invited the states-general to a union for the protection of neutral trade and navigation. “The same invitation,” said the envoy, “has been made to the courts of Copenhagen, Stockholm, and Lisbon, in order that by the joint endeavors of all neutral maritime powers a natural system, founded on justice, may be established as a rule for future ages.” The states-general desired to join in the defensive association, but the stadholder, under English influence, contrived to make delay.

April
3.

England acted promptly. On the seventeenth, an order of the king in council suspended all treaties between the two countries, and threw back the Netherlands upon their rights under the law of nations. In consequence of this order in council, Dutch ships were taken into English ports and condemned by the admiralty, on the principle that French harbors being naturally blockaded by those of England Dutch ships had no right to sail near them.

17.

Of the belligerents the honor of making the first answer to the Russian declaration was conceded to Spain; and Florida Blanca on the eighteenth of April adopted the measure so heartily that in the autobio-

18.

¹ Dip. Cor., iv. 473.

CHAP. graphic report which he made of his administration
 XX. to his king he relates: "The honor of this success-
 1780. ful project has been ascribed to Russia, which in fact
 lent to it support; but it had its origin in the cabinet
 of your Majesty."

A week later, France, like Spain, acceded to the declaration of Russia. "The war in which the king is engaged has no other object than the liberty of the seas. The king believed he had prepared an epoch glorious for his reign, in fixing by his example the rights of neutrals. His hopes have not been deceived."

Oct. On the fifth of October, the United States of
 5. America in congress, by a resolution which Robert R. Livingston had drafted, proclaimed the principles of the empress of Russia, and afterwards included them in their treaties with the Netherlands, with Sweden, and with Prussia.

By the other belligerent of that day, the armed neutrality was considered fatal to its sovereignty over the ocean. The king was ready to bring the question to an issue. His ministry were of the opinion, that to tolerate the armed neutrality was to confess that British supremacy on the high seas was broken. A half-official rumor was set afloat that England would declare war on the Netherlands if they should accept the invitation of Russia; and the cabinet established two points, from neither of which they would depart,—the one to attack any Netherlands convoy; the other to prevent the association of the Netherlands with Russia at all hazards.¹

Even Lord Shelburne, the chief of the opposition in

¹ Welderen to Fagel, 2 May, 1780.

the upper house, condemned the Russian manifesto as an attempt by a "nation scarcely known to have existence as a maritime power thirty years ago, to dictate laws of navigation to Great Britain." And Lord Camden condemned the declaration of the empress as a dangerous and arbitrary edict, subversive of the first principle of the law of nations.

Yet the answer of the British government to the declaration of the empress of Russia avoided expressing any opinion on the rules which she had laid down. "An ambiguous and trimming answer was given:" such is the severe judgment of Harris. "We seemed equally afraid to accept or dismiss the new-fangled doctrines of Russia. I was instructed secretly to oppose, but avowedly to acquiesce in them."

The neutral powers on the continent, one after the other, joined in accepting the code of Catharine. Bernstorff, though very reluctant to do anything not acceptable to the English court, with which he was then conducting a private negotiation on contraband, on the eighth of July announced the adhesion of Denmark to the Russian principles, and on the next day confirmed the declaration by a treaty with Russia. On the twenty-first of July, Gustavus set forth to the belligerents that the principles of Russia were his own, and Sweden acceded to the treaty between Denmark and Russia, and Denmark to that between Russia and Sweden. The three powers agreed to support each other against all and every attack by reprisals and other means. Each power was to fit out a fleet, and the several commanders were ordered to protect every mercantile ship of the three na-

CHAP.
XX.

1780.

July
8.

21.

- CHAP. XX. tions against injury. When in autumn it came to
 1780. light that Bernstorff in a separate treaty with Great Britain had compromised the rule on contraband, the minister was for the time dismissed from office.¹ It
 May 7. may here be added that on the seventh of May, 1781, Frederic of Prussia acceded to the armed neutrality, and obtained its protection for the commerce of his people. Five months later, Joseph the Second overcame his ill-humored demurs, and, by yielding by treaty to the empress, gained advantages for the commerce of Belgium. The accession of Portugal
 1782. took place in July, 1782; that of Naples in February of the following year; that of the Ottoman Porte in September, 1782, by its treaty with Spain, confirmed
 1783. in June, 1783, by its treaty with Russia.

Every considerable power on the continent of Europe, from Archangel to Constantinople, accepted the rules of navigation which the empress of Russia
 1780. had promulgated; yet Great Britain, which had met them without a protest or a denial, was unrelentingly resolved to prevent the accession of the Netherlands to the association through their stadholder or by war.

Even if the British had reason for suspending all treaties with the Netherlands, the republic remained an independent state, and had all the rights of an unprivileged neutral; yet Stormont showed it no more respect than might have been done to a vassal. "The best way," wrote he to Yorke, "to bring the Dutch around to their senses is to wound them in their most feeling part, their carrying trade. The

¹ Bismarck to Frederic, 5 and 12 Sept., 3 and 10 Oct., 11 and 14 Nov., 1780.

success of our cruisers has hitherto fallen much short of expectation." So on the thirtieth of May, in a time of uninterrupted peace, Yorke was instructed to collect the best intelligence on the voyages of the Dutch merchants, that the British cruisers might know where to go for the richest prizes.¹

The condition of the Netherlands was truly difficult to be borne; their honor was trifled with; their commerce pillaged; they were weak and without promise of help from any side; their stadholder did not support them. The arrival of each English mail was waited for to learn by what new measures the British cabinet would abuse their power, and how many more Dutch ships had been seized. The republic had no part to choose but submission to Great Britain or an association with Russia. The draft of the convention which the empress had directed to be offered to Sweden, Denmark, and the Netherlands, arrived in June. The grand pensionary and the country wished to accede to the confederacy of the North. But the stadholder, who in May, acting in the interests of England, refused to take a step till the conduct of all the other neutral powers should be thoroughly understood, in June would not listen to any treaty with Russia unless the possessions of the republic in both Indies should be guaranteed. "A better idea," wrote Yorke, "could not be started to overset the whole."²

Yet Stormont, who on this subject guided the cabinet of England, wrote to the British ambassador at the Hague: "If the states-general proceed, they

¹ Stormont to Yorke, 30 May, 1780. ² Yorke to Stormont, 16 June, 1780.

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1780.
May
30.

27.

June
16.

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1780.
June.

throw the die and leave us no alternative ;”¹ and he made the same unequivocal declaration to Welderen, the Dutch representative at London. A war by England against the Netherlands might prove fatal to the House of Orange. “I am as much attached to that family as a man can be,” wrote Stormont; but he would not let any sentiments of veneration and attachment bias his opinion or retard extreme measures.²

Sept.

The commissioners for the Netherlands found in Panin a statesman who regarded the independence of America as a result very advantageous for all nations and especially for Russia, and who did not doubt that England would be forced to recognise it.³ He could not grant the wished-for guarantee of the Dutch possessions in America, at the Cape of Good Hope, and in India; but in the course of September he drafted the convention which he held to be the only possible one between Russia and the republic.⁴ The draft did not include a general guarantee; but, if the republic should be attacked on account of the convention, the other powers were to take her part. A separate article declared the object of the armed neutrality to be the restoration of peace. At the same time couriers were despatched to the courts of Stockholm and Copenhagen; so that against the return of a favorable answer from the Hague all things might be prepared for receiving the Dutch republic into the league of neutral powers.

Every step of this negotiation was watched by England, with the determination, if it should succeed,

¹ Stormont to Yorke, 8 Aug., 1780.

² Ibid., 19 Sept., 1780.

³ The Marquis de Vêrac to Vergennes, 1 Sept., 1780.

⁴ Ibid., 12 Sept., 1780.

to declare war against the Netherlands, even though it might prove fatal to the House of Orange. Yet the ministry, who were all the time seeking an alliance with Russia, disliked the appearance of going to war with the republic solely for her intention of joining the armed neutrality. In October, Henry Laurens, whom the United States had accredited to the Netherlands for the purpose of raising a loan, was taken on his passage to Europe, and among his papers was found the unauthorized project for a treaty, concerted as we have seen between Neufville and William Lee. To Lord Stormont the "transaction appeared to be the act of individuals,"¹ and the Earl of Hillsborough owned "that the states-general had had no knowledge of the treaty, which had never been signed except by private persons."² But the resolution was instantly taken to use the Laurens papers so as to "give the properest direction to the war."³ After an examination at the admiralty before the three secretaries of state, Laurens was escorted through the streets of London by a large guard, and confined as a state's prisoner in the tower, where he was debarred from all intercourse, and from the use of pen and paper, so as to produce upon the public mind a strange and startling sensation.

When the courier from Petersburg arrived at the Hague with the treaty that Panin had drafted, Stormont saw there was no time to be lost. "If the states should relinquish the demand of a general

¹ Stormont to Keith, 3 Nov., 1780. ² Maltzan to Frederic, 10 Nov., 1780.

³ Stormont to Yorke, 11 Oct., 1780.

CHAP. XX. guarantee," thus on the eleventh of October he instructed Yorke, "and accede to the neutral convention, such an event would leave us no alternative."¹

1780. Oct. 31. On the last day of October, Yorke announced that the states-general, at their meeting in the first week of November, would disavow the transaction between Amsterdam and America, but would decide to join the northern league. "I am afraid," he said, "we must proceed alone, and advise an immediate declaration."²

Nov.

On the third of November, this despatch was laid before the king. On that very same day, the states of Holland, after full deliberation, condemned the conduct of Amsterdam for the acts which Great Britain resented, and resolved to give to the British government every reasonable satisfaction, so as to leave not the slightest ground for just complaint. Even Yorke, who saw everything with the eyes of an Englishman, thought their conduct rather fair.³ Yet Stormont would brook no delay; and the British cabinet anticipating the peaceful intentions of the states of Holland and the states-general, with the approval of the king, on the same day came to a determination to make war upon the republic, unless it should recede from its purpose of joining the northern confederacy.⁴ In the very hours in which this decision was taken, Yorke was writing that a war with the republic would be a war with a government without artillery, "in want of stores of all kinds, without fleet or army, or any one possession in a state of defence."⁵

¹ Stormont to Yorke, 11 Oct., 1780. ³ Yorke to Stormont, 7 Nov., 1780.

² Yorke to Stormont, 31 Oct., 1780. ⁴ Stormont to Yorke, 4 Nov., 1780.

⁵ Yorke to Stormont, 3 Nov., 1780.

The memorial to the states-general was drafted by Lord Stormont himself, and was designed to conceal the real motives of Great Britain under a cloud of obloquy relating to Amsterdam, and by demands impossible to be complied with. The memorial was not to be presented if the ambassador had certain information that the majority of the provinces would refuse to join the maritime league of the North. "We do not wish," wrote Stormont, "to give a deep wound to our old and natural allies. Our object is to cure their madness by stunning them into their senses."¹

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Nov.

On the sixth, Yorke represented to the stadholder the opportunity of the republic for repentance and amendment. The prince, shrugging his shoulders, answered: "I foresee consequences which may be fatal to my house and the republic." Yorke replied that the stadholder might do a secondary and passive kind of service by starting difficulties and delays to hamper the conclusion of the fresh instructions to the ministers at Petersburg. The stadholder answered: "England cannot impute a wish for war to those who are for concluding a neutral alliance with Russia, nor blame a vote of convoy from which masts and ship-timber are excluded." Yorke urged that the alliance with the North was pushed by men of warlike views. The stadholder answered: "The regents in general have not that view." Yorke turned the conversation to the negotiation with America. The stadholder answered: "I have reason to believe Holland will, as it ought to do, disavow and disapprove that transaction." "And give satisfaction too?" asked Yorke.

¹ Stormont to Yorke, 4 Nov., 1780.

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Nov.

The prince answered: "I hope they will communicate their disavowal to England." But he did not deny that the plurality of the provinces was in favor of the connection with Russia on the terms which that empire had proposed.¹

Just after this interview, Yorke received from Stormont an inquiry as to where blows could be struck at the republic with the most profit, and on the seventh of November Yorke replied: "This country is by no means prepared for war. It is the fashion still to suppose a war against England impossible. The executive part of the government has been averse to it all along. As to the Dutch settlements in the East and West Indies, their own avowal proves them in a deplorable state; but St. Eustatius, above all St. Eustatius, is the golden mine of the moment."² This letter of Yorke was received by Stormont on the twelfth; and the passage relating to St. Eustatius was secretly sent forthwith to the British admiralty for its guidance.

Already on the tenth Yorke had presented to the states-general Lord Stormont's memorial. "The king insists," so ran its words, "on the exemplary punishment of the Pensionary van Berckel and his accomplices, as disturbers of the public peace, and violators of the rights of nations. His Majesty flatters himself that the answer of your High Mightinesses will be speedy, and to the purpose in every respect." "To pass over in silence so just a request will be deemed a denial, and his Majesty will think himself obliged to take such steps as become his dignity."

¹ Yorke to Stormont, 7 Nov., 1780. ² Yorke to Stormont, 7 Nov., 1780.

Three days after the delivery of the memorial, Yorke caused it to be printed. It seemed to the patriots singular for the English to demand the punishment of Van Berckel, when they themselves did not even bring Laurens to trial. People in the towns under English influence said: "Van Berckel and accomplices deserve to be 'de-Witted.'" ¹ "If a small mob," wrote Yorke from the Hague, "receive the deputies of Amsterdam when they next come here, the affair will be soon decided. But how promise for work with the tools I have." ²

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"The die is thrown," wrote Stormont to Yorke on the fourteenth, as he asked him for the best information respecting all the vulnerable parts of the republic. ³ At that time there still reigned among the Dutch confidence in peace. On the twenty-third, the states of Holland, acting on a communication from the stadholder, entirely disavowed and disapproved all and whatever had been done by or on the part of the burgomasters and regents of the town of Amsterdam respecting negotiations with congress. ⁴ The disavowal of Van Berckel was, in itself, a very severe punishment. Before further proceeding, inquiry needed to be made as to the nature of his offence and the tribunal before which he could be brought to trial. The states-general confirmed the disavowal made by the states of Holland, and further declared their wish to preserve a good understanding with England. Every post brought to the court of London concurrent proofs that the cities, the people,

14.

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¹ Yorke to Stormont, 14 Nov., 1780.

² Yorke to Fraser, 14 Nov., 1780

³ Stormont to Yorke, 14 Nov., 1780.

⁴ Resolution of the States of Holland, 23 Nov., 1780.

CHAP. every branch of the government, all the ministers,
 XX. desired to continue at peace. Even the stadholder,
 1780. the great partisan of England, thought that the Dutch
 Nov. government had done enough to remove from them-
 selves every suspicion.

Dec. Yet on the first of December Stormont demanded
 1. the exemplary and immediate punishment of the
 5. Amsterdam offenders; and on the fifth he asked of
 Yorke some ideas for a manifesto, for he was prepar-
 ing "to send secret orders to seize the Dutch settle-
 16. ments in the West Indies."¹ Then, on the sixteenth,
 before he even knew that his second memorial had
 been presented, having been informed that, on the
 afternoon of the eleventh, the states-general had
 resolved to make the declaration of the armed neu-
 trality without delay, he sent orders to Yorke "as
 soon as may be to quit Holland without taking
 leave."²

While Yorke was still negotiating at the Hague,
 British cruisers pounced upon the unsuspecting mer-
 chantmen of their ally of a hundred and six years,
 and captured two hundred ships of the republic, car-
 rying cargoes worth fifteen millions of guilders. Four
 days at least before he left the Hague, a swift cutter
 was sent to Rodney at Barbadoes with orders, founded
 upon the ambassador's letter of the seventh of No-
 vember, to seize St. Eustatius.

1781. Suddenly, on the third of February, 1781, the
 Feb. British West India fleet and army, after a feint on
 3. the coasts of Martinique, appeared off the island and
 demanded of de Graat, the governor, its surrender

¹ Stormont to Yorke, Confiden-
 tial, 5 Dec., 1780.

² Stormont to Yorke, 16 Dec.,
 1780.

within an hour. "The surprise and astonishment of the inhabitants was scarcely to be conceived." Unable to offer resistance, ignorant of a rupture between Great Britain and the republic, the governor surrendered his post and its dependencies, invoking clemency for the town. The wealth of the island, which was a free port for all nations, astonished even those who had expected most, "the whole of it being one continued store of French, American, Dutch," and also English "property." In the words of Rodney: "All the magazines, the storehouses, are filled, and even the beach covered with tobacco and sugar." The value of the merchandise, at a moderate estimate, considerably exceeded three millions of pounds sterling. Besides this, there were taken in the bay upwards of one hundred and fifty merchant vessels, a Dutch frigate, and five smaller vessels of war, all complete and ready for service. Thirty richly freighted Dutch ships, which had left the island about thirty-six hours before, were overtaken by a detachment from Rodney's fleet, and captured with the Dutch ship of sixty guns which was their convoy. The Dutch flag was kept flying on the island, and decoyed no less than seventeen ships into the port after its capture. Three large ships from Amsterdam, laden with all kinds of naval stores, were taken and carried into St. Christopher. At St. Eustatius, in the order of sale, English stores were, for form's sake, excepted; but all property was seized, and the confiscation was general without discrimination between friend and foe, between neutral powers and belligerents, between Dutch and British. A remonstrance from British merchants, written by the king's solicitor-general

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Feb.
3.

in St. Christopher, Rodney scorned to read, and answered: "The island of St. Eustatius is Dutch; everything in it is Dutch; everything is under the protection of the Dutch flag, and as Dutch it shall be treated."

Besides St. Eustatius, all the settlements of the republic in South America were taken during the season. The undefended Cape of Good Hope, the half-way house on the voyage to India; the feebly garrisoned Negapatam; and the unique harbor of Trincomalee on Ceylon,—were all of them most desirable objects for Great Britain.

The Dutch republic was relatively weak; yet, if her finances were impaired, it was by debts contracted during her alliance with England and in rendering service to that power. England lost, for the time, its remaining influence on the continent of Europe by this cruel and unjust war. No nation remained with which it had any connection on the score of principle; not one to which it was drawn by regard for the higher interests of humanity.

CHAPTER XXI.

FRANCE HAS NEED OF PEACE.

1780, 1781.

“ENGLAND,” said Vergennes, “has declared war against the Netherlands from hatred of their accession to the neutrality. The more I reflect, the more I am perplexed to know whether we ought to be glad or sorry.”¹ A new obstacle was created to the general peace for which we must now trace the negotiations. Spain had calculated every thing for a single campaign.² The invasion of England having failed, the querulous King Charles, after but seven months of hostilities, complained “that France had brought Spain into the war for its own interests alone ;³ and had caused the first mishaps” to his flag.⁴ Florida Blanca, speaking to the French ambassador, called himself a great fool for having induced his king to the declaration against England. With regard to

CHAP.
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1780.

¹ Vergennes to Montmorin, 25 and 27 Dec., 1780.

³ Montmorin to Vergennes, 9 Jan., 1780.

² Montmorin to Vergennes, 13 May, 1780.

⁴ Ibid., 26 June, 1780.

CHAP. the United States, Vergennes always maintained that
 XXI. France was held in honor to sustain their independ-
 1780. ence, but that their boundaries were contingent on
 events;¹ and to conciliate independence with the
 honor of England,² and quiet the apprehensions of
 Spain, he was willing to leave to England at the
 peace Canada, according to the old French claims,
 and the country west and north-west of the Ohio.³
 But King Charles desired to retain them if possible
 in some kind of vassalage to Great Britain,⁴ or give
 them up to helpless anarchy.⁵ He would not receive
 Jay as an envoy, and declined even a visit from the
 late minister of France at Philadelphia, on his way
 back from his mission. If American independence
 was to be granted, it must be only on such terms
 as would lead to endless quarrels with England.⁶ It
 was the constant reasoning of Florida Blanca, that
 the northern colonies preserved a strong attachment
 for their mother country, and, if once possessed of
 independence, would become her useful ally; while
 if they were compelled to submit to her rule, they
 would be only turbulent subjects.⁷ Tossed by danger
 and doubt from one expedient to another, Spain,
 through the government of Portugal, sought to open
 a secret negotiation with England; and the king of
 France, in an autograph letter, acquiesced in the
 attempt.⁸

When in February, 1780, John Adams arrived in

¹ Compare Vergennes to Montmorin, 22 Jan., 1781.

² Ibid., 13 Jan., 1780.

³ Ibid., 26 April and 4 Dec., 1780.

⁴ Montmorin to Vergennes, 22 Jan., 1780.

⁵ Montmorin to Vergennes, 22 Feb., 1780.

⁶ Ibid., 29 March, 1780.

⁷ Ibid., 20 Nov., 1780.

⁸ The king of France to the king of Spain, 25 April, 1780.

Paris with full powers to treat with Great Britain for peace and commerce, the French minister desired that the object of his commission should for the present remain unknown. Adams replied by enumerating the reasons for communicating it to Great Britain without delay; but he was not obstinate, and waited for the opinion of congress. A discussion next followed on applying to French creditors the reduction by congress in the value of its paper money. Adams argued vigorously that the reduction must affect all nations alike, for which he obtained the approbation of congress. These points being disposed of, he not only assumed a right to give advice to the king of France on the conduct of the war, but, to a court where the sanctity of regal power formed the accepted creed, he laid it down as certain that "in this intelligent age the principle is well agreed on in the world that the people have a right to a form of government according to their own judgments and inclinations." Vergennes broke off correspondence with him, as not being accredited to France, and complained to the French minister at Philadelphia of his want of a conciliatory temper. Franklin, too, though with reluctance, suffered himself to be made the channel of communicating officially the censures which Vergennes did not spare. In the favor of congress Franklin lost ground by his compliance, while Adams was supported more heartily than before.

In midsummer, from his eagerness for peace, Maurepas forgot himself so far as to insinuate his wish in a letter to one Forth, a former secretary of the British embassy at Paris. Nothing came of

CHAP. XXI. the overture. "Peace will be a great good," wrote
 1780. Marie Antoinette; "but, if our enemies do not demand it, I shall be very much afflicted by a humiliating one."¹ After the capture of Charleston, and the rout of the army under Gates, the British parliament, which came together in November, granted all the demands of the ministry for money and for men by vast majorities; and the dread of disorder in the cities of England gave new strength to the government. At such a moment, Necker, who was ready to take everything upon himself, wrote secretly to Lord North, proposing peace on the basis of a truce, during which each party should keep possession of all that it had acquired. The terms thus clandestinely offered were such as Vergennes always rejected, as inconsistent with the fidelity and honor of France. In England, they were no farther heeded than as a confession of exhaustion and weakness.

Dec. 1. "I will express no opinion," said Vergennes, of
 1781. Necker, in January, 1781, "on his financial operations, but in all other parts of the administration he is short-sighted and ignorant." Called to the conferences of the ministers, he continually dinned into their ears "Peace! peace!" "Peace," replied Vergennes, "is a good thing, only you should propose the means of attaining it in an honorable manner."² In his clamor for peace, Necker did but echo the opinion of all Paris. Maurepas, too, gave out that peace must be restored before the close of the year; and the king declared that he was

¹ Marie Antoinette to Maria Theresa, 13 July and 11 Oct., 1780. ² Count von Mercy to Prince Kaunitz, 21 Jan., 1781.

tired of the war, and that an end must be made of it before the year should go out.¹ The negotiations for peace belonged to Vergennes, and for their success he needed mediation or great results in the field. Thus far the war had been carried on without a plan, for which the cause lay in the heart of the government itself. There could be no vigorous unity of administration with a young, feeble, and ignorant king, who prided himself on personally governing, and left the government, without a real head, to be swayed by the different cabals which from day to day followed each other in the court. By the influence of the queen, Sartine, towards the end of the former year, had been superseded in the ministry of the marine by the Marquis de Castries, and the imbecile Montbarey by the Marquis de Segur. All the while France was drawing nearer to inevitable bankruptcy, its debt verging upon a fourth milliard.

Environed by difficulties, Vergennes attempted a compromise with England on the basis of a long truce of at least twenty years, during which South Carolina and Georgia would remain with the English in return for the evacuation of New York. He had sounded Washington and others in America on the subject, and they all had repelled the idea. "There are none but the mediators," wrote Vergennes, "who could make to the United States so grievous an offer. It would be hard for France to propose it, because she has guaranteed the independence of the thirteen states."² Kaunitz, accordingly, set himself to work to bring the mediation to a successful issue.

¹ Mercy to Kaunitz, 7 Feb., 1781. ² Vergennes to Luzerne, 1 Feb., 1781.

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In the month of April, young Laurens arrived at Versailles, preceded by importunate letters from Rochambeau and Lafayette to the ministry. His demand was for a loan of twenty-five million livres to be raised for the United States on the credit of the king of France, and in support of it he communicated to the French ministry his letter of advice from Washington. Franklin had lately written: "If it is found unable to procure the aids that are wanted, the whole system of the new government in America may be shaken." The French minister at Philadelphia had reported these words from Greene: "The states in the southern department may struggle a little while longer; but without more effectual support they must fall." Washington represented immediate and efficacious succor from abroad as indispensable to the safety of his country; but, combined with maritime superiority, and "a decided effort of the allied arms on this continent," so he wrote, "it would bring the contest to a glorious issue."¹ In pressing the demands of congress, the youthful envoy said menacingly that the failure of his mission might drive the Americans back to their old allegiance, to fight once more against France in the armies of Great Britain. The confession of the inefficiency of their own general government was suited to raise a doubt of their power finally to establish their independence; and Vergennes complained that an excessive and ever-increasing proportion of the burdens of the war was thrown upon France. Yet the cabinet resolved to go far in complying

¹ Writings of Washington, ed. Sparks, vii. 368.

with the request of the United States. Franklin had already obtained the promise of a gift of six millions of livres, and a loan of four millions; Necker consented to a loan of ten millions more, to be raised in Holland in the name of the king of France.

To insure to the United States a maritime superiority, de Grasse, who had the naval command in America, received orders to repair from the West Indies to the north in the course of the year, and conform himself to the counsels of Washington and Rochambeau. On the other hand, the great expense of re-enforcing Rochambeau by another detachment from the French army was on Washington's recommendation avoided; and America was left to herself to find men for the struggle on land. The decision displeased Rochambeau, who understood little of the country to which he was sent, and nothing of its language, and he entreated leave to return to Europe; but he received fresh orders to regard himself as the commander of auxiliary troops, and to put them as well as himself under the orders of Washington.

To the sole direction of Washington, the French government would have gladly reserved the disbursement of its gift of six millions; but he refused a trust which would have roused the jealousy of congress. The first use made of the money was a spendthrift one. South Carolina had an unexecuted contract in Holland for supplies. Laurens, acting for that state, and for the United States, made a transfer of it to the latter, and, without taking the pains to understand the condition of the business and without superintending it, paid all arrears out of

CHAP. the fund which Franklin had obtained from France.
XXI. South Carolina was relieved from a burdensome
1781. engagement; while great and, as it proved, useless
expenses were thrown on the United States.

During these negotiations, Necker aspired to become the head of the administration. The octogenarian Maurepas could not be duped; he roused himself from apathy, and when Necker was preparing through the king to take the cabinet by storm, Maurepas quietly let him know that the king expected his resignation. "The king had given his word to support me," said Necker, in recounting his fall, "and I am the victim of having counted upon it too much." He had refused all pay as minister, yet in his period of office he doubled his fortune. His hands were clean from embezzlement, but his banking house had profited enormously in its business.

While the disgrace of Necker was passionately discussed, the government of Louis the Sixteenth persecuted in Paris the principles which it was spending the blood and treasure of France to establish on immovable foundations in America. Just at this time, there appeared in Paris a new edition of Raynal's philosophic and political history of the two Indies, with the name of the author on the title-page. His work abounded in declamations against priestcraft, monarchical power, and negro slavery. He described the United States of America as a country that more than renewed the simple heroism of antiquity, which otherwise, in the depravity of the laws and manners of Europe, would have been esteemed but a fiction. Here at last, especially in New England, was found

a land that knew how to be happy "without kings and without priests."¹ "Philosophy," he wrote, "desires to see all governments just, and all peoples happy. If the love of justice had decided the court of Versailles to the alliance of a monarchy with a people defending its liberty, the first article of its treaty with the United States should have been, that all oppressed peoples have the right to rise against their oppressors."² The advocate-general Segur having drawn up the most minatory indictment, Raynal left his book to be burned by the hangman, and fled through Brussels to Holland.

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The book went into many a library, and its proscription found for it new readers. The young men of France, even of the nobility, shared its principles,³ which infiltrated themselves through all classes. The new minister of the marine had in the army of Rochambeau a son, whom sons of the new minister of war and the Duke de Broglie were soon to follow. But the philosophers, like the statesmen of France, would not have the United States become too great: they rather desired to preserve for England so much strength in North America, that the two powers might watch, restrain, and balance each other.⁴

Meantime Prince Kaunitz, in preparing the preliminary articles for the peace congress at Vienna, adopted the idea of Vergennes that the United States should be represented, so that direct negotiations between them and Great Britain might proceed simultaneously with those of the European powers;

¹ Raynal, ix. 18, ed. 1781.

² *Ibid.*, 305, ed. 1781.

³ *Mémoires de Ségur*, i. 264.

⁴ Raynal, ix. 318, ed. 1781.

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and his paper was pronounced by Marie Antoinette to be a masterpiece of political wisdom. But all was in vain. England would still have no negotiation with France for peace till that power should give up its connection with insurgent America; John Adams was ready to go to Vienna, but only on condition of being received by the mediating powers as the plenipotentiary of an independent state; Spain shunned all mediation, knowing that no mediator would award to her Gibraltar.

Mortified at his ill success, Kaunitz threw the blame of it upon the unreasonable pretensions of the British ministry; and Austria joined herself to the powers which held that the British government owed concessions to America. Meantime he consoled his emperor for the failure of the mediation by saying: "As to us, there is more to gain than to lose by the continuation of the war, which becomes useful to us by the mutual exhaustion of those who carry it on and by the commercial advantages which accrue to us so long as it lasts."¹

The British ministry was willing to buy the alliance of Catharine by the cession of Minorca, and to propitiate Joseph by opening the Scheldt; but the desires of both were mainly directed to the east and south. Catharine could not conceive why Europe should be unwilling to see Christianity rise again into life and power on the Bosphorus. "We will guarantee to you," said Potemkin to Joseph, "all the conquests that you may make, except in Germany or in Poland." "Rome," wrote the

¹ Kaunitz to Joseph II., 8 July, 1781, in Beer's *Joseph II., Leopold II., und Kaunitz, ihr Briefwechsel.*

empress, "is a fit acquisition for a king of the Romans." Joseph, on his part, would have the eastern shore of the Adriatic, the Danube to Belgrade, and all the country north of the straight line drawn from Belgrade to the southernmost point of the gulf of Drina, sparing the possessions neither of Turkey nor of the republic of Venice. But he insisted that the king of Prussia should never acquire another foot of land, not even round off his territory by exchanges. So the two eastern powers divided out the Orient and Italy between them, knowing that, so long as the war lasted, neither France nor Great Britain could interfere.

Spain had just heard of an insurrection begun by ex-Jesuits in Peru, and supported by Tupac Amaru, who claimed descent from the ancient royal family of the Incas. But the first reports were not alarming, and she was still disposed to pursue the separate negotiation with Great Britain. The suggestion of Hillsborough to exchange Gibraltar for Porto Rico was rejected by Florida Blanca; and Cumberland, the British agent at Madrid, having nothing to propose which King Charles was willing to accept, returned from his fruitless expedition.

The results of the campaign outside of the United States were indecisive. The French again made an unsuccessful attempt to recover the isle of Jersey. The garrison of Gibraltar was once more reduced to a state of famine, and ere the middle of April was once more relieved. The English and Dutch fleets encountered each other in August near the Dogger Bank, and for three hours and a half fought within musket shot. Victory belonged to neither party.

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The Dutch, who had given proof of the hardihood of their race, bore away for the Texel; and the British admiral returned to the Nore, to receive a visit from his king, and on the plea of age to refuse to serve longer under so feeble an administration. The name and fame of Hyder Ali spread from the Mysore through Europe and the United States; and he seemed with his army of one hundred thousand men about to beat back the few troops of the British; but he proved unable to withstand their discipline. On the ninth of May, Pensacola, after a most gallant defence against the many times superior force of the Spaniards, was surrendered under an honorable capitulation. The British troops, who were not to serve against Spain or her allies, were left free to be employed against the United States.

Meantime Vergennes complained, through the French minister at Philadelphia, of John Adams as an embarrassing negotiator. At first a majority of congress was disposed to insist on Adams as their sole plenipotentiary for peace; Virginia, with Madison for one of her delegates, being unanimous in his favor.¹ But, on reflection and through French influence, it was wisely decided to strengthen the hands of the New England man by joint commissioners selected from other sections of the country. With the aid of Sullivan of New Hampshire, who was in the pay of France, instructions such as Vergennes might have drafted were first agreed upon; then on the ballot the choice fell upon Jay, Franklin, Henry Laurens, and Thomas Jefferson. Of these, the last was detained in America by the illness of his wife. "Congress have done

¹ Secret Journals, ii. 437.

very well," wrote John Adams to Franklin, "to join others in the commission for peace, who have some faculties for it. My talent, if I have one, lies in making war."¹ At the same time, he saw so wide a dissemination of the principles of the American revolution that, in his opinion, "despotisms, monarchies, and aristocracies must conform to them in some degree in practice, or hazard a total revolution in religion and government throughout all Europe."²

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1781.

The kingdom of Ireland had been subjected to all the restrictions of the colonial system, beside still severer oppressions of her own. And now the fire kindled by the example of America burned nowhere in the Old World so fiercely as in this part of the dominions of Great Britain. Yet the Irish refused to follow the example of resisting evil laws by force; and by taking skilful advantage of the habitual, indolent want of forethought of Lord North, they gained more complete emancipation than could have been won through insurrection. When the tidings from Lexington and Bunker Hill reached them, their parliament came to a vote that "they heard of the rebellion with abhorrence, and were ready to show to the world their attachment to the sacred person of the king." Taking advantage of its eminently loyal disposition, Lord North obtained its leave to employ four thousand men of the Irish army for service in America. That army should, by law, have consisted of twelve thousand men; but it mustered scarcely more than nine thousand. Out of these, the strongest and best, without regard to the prescribed limitation of numbers, were selected; and eight regiments,

¹ Dip. Cor., vi. 159.

² Ibid., 186.

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all that could be formed, were shipped across the Atlantic. Ireland itself being left defenceless, its parliament offered the national remedy of a militia. This was refused by Lord North, and in consequence, instead of a militia organized and controlled by the government, self-formed bands of volunteers started into being. After reflection, the militia bill was sent over for enactment: but the opportunity had been missed; the Irish parliament had learned to prefer volunteer corps supported by the Irish themselves. When, in 1778, it appeared how much the commissioners sent to America had been willing to concede to insurgents for the sake of reconciliation, the patriots of Ireland awoke to a sense of what they might demand. The man who had obtained the lead was Henry Grattan, who, in a venal age and in a venal house of commons, was incorruptible. No one heard the eloquence of Chatham with more delight; and no one has sketched in more vivid words the character of the greatest Englishman of that day. At the opening of the session of October, 1779, Grattan, then but thirty-three years of age, and for hardly four years a member of the house, moved an amendment to the address, that the nation could be saved only by free export and free import, or, according to the terser words that were finally chosen, by free trade. The friends of government dared not resist the amendment, and it was carried unanimously. New taxes were refused. The ordinary supplies, usually granted for two years, were granted for six months. The house was in earnest; the people were in earnest; an inextinguishable sentiment of nationality was aroused; and the nation

had an army of fifty thousand volunteers under officers of their own choosing. Great Britain being already tasked to the uttermost by its conflict with America, Lord North gave way, and persuaded its parliament to concede the claims of the neighboring land to commercial equality. The people of that island entered into possession of their natural rights ; yet their happiness was clouded by the thought that their new freedom rested on the act of a legislature which exclusively represented another kingdom, and which still pretended to full power to bind the kingdom of Ireland.

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CHAPTER XXII.

THE SOUTHERN CAMPAIGN. MORGAN AT THE COWPENS.

1780, 1781.

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1780.
Oct.
30.

AFTER the defeat of Gates, congress subjected its favorite to a court of inquiry, and, conforming to the advice of Washington, appointed Major-General Greene to the command of the southern department. Gates had received his appointment and his instructions directly from congress, and his command had been co-ordinate and independent. On confirming the nomination of Greene, congress assigned to him all the regular troops, raised or to be raised, in Delaware and the states south of it; and conferred on him all the powers that had been vested in Gates, but "subject to the control of the commander-in-chief."¹ Thus the conduct of the war obtained, for the first time, the harmony and unity essential to success.

Washington was in danger of being shortly without men; yet he detached for the service in the

¹ Journals, iii. 511.

Carolinas Lieutenant-Colonel Henry Lee, his best cavalry officer, with the corps called the legion, consisting of three troops of horse and three companies of infantry, in all, three hundred and fifty men. For Greene he prepared a welcome at the south, writing to George Mason: "I introduce this gentleman as a man of abilities, bravery, and coolness. He has a comprehensive knowledge of our affairs, and is a man of fortitude and resources. I have not the smallest doubt, therefore, of his employing all the means which may be put into his hands to the best advantage, nor of his assisting in pointing out the most likely ones to answer the purposes of his command."

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XXII.1780.
Oct.

As he moved south, Greene left Steuben in Virginia. At Charlotte, where he arrived on the second of December, he received a complaint from Cornwallis respecting the prisoners of King's Mountain, who had been put to death by the soldiery, coupled with a threat of retaliation. Avowing his own respect for the principles of humanity and the law of nations, Greene answered by sending him a list of about fifty men who had been hanged by Lord Cornwallis himself, and by others high in the British service; and he called on mankind to sit in judgment on the order of Lord Cornwallis to Balfour after the action near Camden, on Lord Rawdon's proclamation, and on the ravages of Tarleton. Throughout his career he was true to the principles which he then announced. No one, except a deserter, ever died by his order. No American officer in his department ever imitated the cruelties systematically practised

Dec.
2.

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XXII.1780.
Dec.

by the British. Sumpter spared all prisoners, though the worst men were among them. Marion was famed for his mercy. Cruelty was never imputed to Williams, Pickens, or any other of the American chiefs. But the British officers continued to ridicule the idea of observing capitulations with citizens, insisting that those who claimed to be members of an independent state could derive no benefit from any solemn engagement, and were but vanquished traitors who owed their lives to British clemency.¹

1781. In the course of the winter Colonel William Cunningham, under orders from Colonel Balfour at Charleston, led one hundred and fifty white men and negroes into the interior settlements. On his route he killed every person he met with, suspected of being a friend to the United States, to the number of about fifty, and burned their habitations. At length he came to a house which sheltered an American party of thirty-five men under Colonel Hayes. These refusing to surrender at discretion, a fire from both sides was kept up for about three hours, till at last the British were able to set fire to the house. In this situation, the 'besieged capitulated under the agreement that they should be treated as prisoners of war until they could be exchanged. The capitulation was formally signed and interchanged; and yet the Americans had no sooner marched out, than the British hanged Colonel Hayes to the limb of a tree. The second in command was treated in like manner; after which, Cunningham, with his own hands, slew some of the prisoners, and desired his men to follow his example. One of them traversed

¹ Ramsay's Carolina, ii. 298.

the ground where his old neighbors and acquaintances lay dead and dying, and ran his sword through those in whom he saw signs of life. These facts were afterwards established by a judicial investigation.¹

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On coming into a new clime, Greene ordered observations to be made on the fords and capacity for transportation of the Dan, the Yadkin, and the Catawba. Before his departure, Gates had brought together two thousand three hundred and seven men, of whom only a little more than one-half were militia, and "eight hundred were properly clothed and equipped."² The men had been accustomed to leave the camp at their own will, and make visits to their homes. This Greene forbade as an act of desertion, and the first who was caught after the order was issued was shot in the presence of the whole army drawn up to witness the execution. Opinion among the troops approved the decision, and by degrees the discipline of the southern continental troops became equal to their courage. The campaign was sure to be one of danger and hardship; the firm and adventurous commander gained the confidence and love of his troops by sharing every peril and more than sharing every toil.

1780.
Dec.

The country around Charlotte had been ravaged. Sending Kosciuszko in advance to select a site for an encampment, he marched his army to the head of boat navigation on the Pedee. There, in a fertile and unexhausted country, at the falls of the river, he established his "camp of repose" to improve the

¹ Judge A. Burke to the Governor of South Carolina, 14 Dec., 1784.

² Johnson's Greene, i. 340.

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XXII. himself an opportunity of looking about."

1780. Greene had expected new and singular difficulties;
Dec. but they exceeded all that he had feared. Shoals of militia, kept on foot since the defeat of Gates, had done little but waste the country. The power of government was far less than in the north. The inhabitants knew little of control. Coming from all quarters of the globe, they were still from their early education so various in opinions and habits, that there was a want of national character and sentiment. Yet several corps of partisans were bold and daring, and there was a great spirit of enterprise among the black people who came out as volunteers. "General Washington's influence," so he wrote to Hamilton, "will do more than all the assemblies upon the continent. I always thought him exceedingly popular; but in many places he is little less than adored, and universally admired. From being the friend of the general I found myself exceedingly well received."¹

Confirmed in his detached command, Morgan with his small force crossed the Catawba just below the mouth of the little Catawba, and passing Broad river,
25. on the twenty-fifth of December encamped on the north bank of the Pacolet. Here he was joined by about sixty mounted Carolinians under Colonel Pickens, and two hundred Georgians under Major Maccall.
29. General Davidson, of North Carolina, on the twenty-ninth brought one hundred and twenty men into camp, but left immediately to collect more.

Hearing that about two hundred and fifty Georgia

¹ Hamilton's Works, i. 204.

tories were plundering the neighborhood of Fair Forest, Morgan sent Lieutenant-Colonel Washington with his own regiment, and two hundred mounted riflemen under Maccall, to attack them. Coming up with them at about twelve o'clock on the thirtieth, Washington extended his mounted riflemen on the wings, and charged them in front with his own cavalry. The tories fled without resistance, losing one hundred and fifty killed and wounded, and about forty who were taken prisoners.

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Dec.

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Cornwallis, who, when joined by the re-enforcement sent from New York under Leslie, could advance with thirty-five hundred fighting men,¹ was impatient of the successes of Morgan, and resolved to intercept his retreat. On the second of January, 1781, he ordered Tarleton with his detachment to pass Broad river, and to push him to the utmost. "No time," wrote he, "is to be lost."² Tarleton answered by promising either to destroy Morgan's corps, or push it before him over Broad river towards King's Mountain; and he wished the main army to advance so as to be ready to capture the fugitives. "I feel bold in offering my opinion," he wrote, "as it flows from well-founded inquiry concerning the enemy's designs."³ To this Cornwallis replied: "You have understood my intentions perfectly."⁴

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Jan.
2

The danger to Morgan was imminent; for the light troops were pursuing him on the one side, and the main army preparing to intercept his retreat on the other. On the fourteenth, Tarleton passed the

14.

¹ Tarleton's Campaigns, 242 and 210.

² Ibid., 244.

³ Tarleton's Campaigns, 246.

⁴ Ibid., 246.

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 XXII. On the afternoon of the fifteenth, Morgan encamped
 17 8 1. at Burr's Mills on Thickety creek; and from this
 Jan. place on the same day he wrote to Greene his wish
 15. to avoid an action. "But this," he added, "will not
 be always in my power."¹ His scouts, whom he
 kept within half a mile of the camp of his enemy,
 informed him that Tarleton had crossed the Tyger at
 Musgrove's Mills with a force of eleven or twelve
 16. hundred men. On the sixteenth, he put himself
 and his party in full motion towards Broad river,
 while in the evening the camp which he had abandoned
 was occupied by Tarleton's party. On that
 day, Cornwallis with his army reached Turkey
 creek.

In the genial clime of South Carolina, where the
 grass is springing in every month of winter, cattle
 in those days grazed in the field all the year round;
 never housed, nor fed by the hand of man, but driven
 from time to time into cowpens, where each inhabitant
 gave salt to his herd and marked them for his
 own. Two miles from such an enclosure, on a wide
 plain covered with primeval pines and chestnut and
 oak, about sixteen miles from Spartanburg, seven
 miles from the Cherokee ford on the Broad river, and
 a little less than five miles from the line of North
 Carolina, Morgan encamped his party for the night.
 Greene had left Morgan to his discretion, yet with
 warning against risk in a battle; his best officers now
 urged him beyond all things to avoid an engagement.²
 With a noble confidence in himself and in

¹ Johnson's Greene, 370.

² Marshall's Life of Washington, i. 402.

his troops, he resolved to give battle to his pursuers. In the evening, he moved among his men, inspiring them with cheerfulness. During the night, Pickens, who had been for a few days absent, returned with about one hundred and fifty militia, and another party of fifty came in.

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16.

At an hour before daylight, Morgan, through his excellent system of spies, knew that Tarleton's troops were within five miles of his camp. His men were roused, quietly breakfasted, and prepared for battle. The ground chosen was an open wood between the springs of two little rivulets, with a slight ridge extending from one of them to the other. In the wood, free from undergrowth, no thicket offered covert, no swamp a refuge from cavalry. The best troops, about four hundred in number, were placed in line on the rising ground. Two hundred and eighty of the Maryland light infantry, commanded by Lieutenant-Colonel Howard, formed the centre; two companies of approved Virginia riflemen were on each wing. Lieutenant-Colonel Washington's regiment of dragoons, consisting of eighty men, was placed as a reserve out of sight and out of fire. The volunteers from the Carolinas and Georgia, four hundred in number, were posted under Pickens in advance, so as to defend the approaches. Of these, sixty sharpshooters of the North Carolina volunteers were to act as skirmishers on the right flank one hundred and fifty yards in front of the line, and as many more of the Georgians at the same distance on the left.

Tarleton's troops, about eleven hundred in number, having two field-pieces, and a great superiority

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17.

in bayonets and cavalry, after a march of twelve miles came in sight at eight o'clock in the morning, and drew up in one line. The legion infantry formed their centre, with the seventh regiment on the right, the seventy-first on the left, and two light companies of a hundred men each on the flanks. The artillery moved in front. Tarleton, with two hundred and eighty cavalry, was in the rear. No sooner were they formed than they rushed forward with shouts. They were received by a heavy and well-directed fire,—first from the American skirmishers, and then from the whole of Pickens's command. At the main line they were resisted with obstinate courage. During a bloody conflict, their superiority of numbers enabled them to gain the flanks of the Americans both on their right and left. At this moment Morgan ordered the Maryland line, which shared his own self-possession, to retreat fifty yards and form anew. The British eagerly pressed on, thinking the day their own, and were within thirty yards of the Americans when the latter halted and turned upon them. The Virginia riflemen, who had kept their places, instinctively formed themselves on the sides of the British, so that they who two or three minutes before had threatened to turn the Americans found themselves as it were within a pair of open pincers, exposed to the converging oblique fire of two companies of sharpshooters on each flank and a direct fire from the Marylanders in front. The change was so sudden that the British were stunned with surprise. Seeing their disorder, the line of Howard charged them with bayonets, and broke their ranks so that they fled with precipitation. The cavalry of Washington,

hitherto unseen, sprang forward and charged successfully the cavalry of the British. The enemy was completely routed and pursued for upwards of twenty miles.

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Of the Americans only twelve were killed and sixty wounded. Of the enemy ten commissioned officers were killed, beside more than a hundred rank and file; two hundred were wounded; twenty-nine commissioned officers and more than five hundred privates were taken prisoners, beside seventy negroes. Two standards, upwards of a hundred dragoon horses, thirty-five wagons, eight hundred muskets, and two field-pieces that had been taken from the British at Saratoga and retaken at Camden, fell into the hands of the victors. The immense baggage of Tarleton's party, which had been left in the rear, was destroyed by the British themselves. "Our success," wrote the victor in his modest report, "must be attributed to the justice of our cause and the gallantry of our troops. My wishes would induce me to name every sentinel in the corps."

Aware that the camp of Cornwallis at Turkey creek was within twenty-five miles, and as near as the battle-ground to the ford on the Catawba, Morgan destroyed the captured baggage-wagons, paroled the British officers, intrusted the wounded to the care of the few residents of the neighborhood, and, leaving his cavalry to follow him on their return from the pursuit, crossed the Broad river with his foot soldiers and his prisoners, the captured artillery, muskets, and ammunition on the day of the battle. Proceeding by easy marches of ten miles a day, on the twenty-third he crossed the Ca-

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tawba at Sherrald's ford. Taking for his troops a week's rest in his camp north of the river, he sent forward his prisoners to Salisbury, under the guard of Virginia militia, whose time of service had just expired; and he recommended by letter to Greene that the militia under General Stevens, whose term of service had also expired, and who had passed a month in repose, should conduct the prisoners to a place of safety in Virginia. The fame of the great victory at the Cowpens spread in every direction. Greene announced in general orders the victory, and his army saluted the victors as "the finest fellows on earth, more worthy than ever of love." Rutledge of South Carolina repeated their praises, and rewarded Pickens with a commission as brigadier. Davidson of North Carolina wrote that the victory "gladdened every countenance, and paved the way for the salvation of the country." The state of Virginia voted to Morgan a horse and a sword in testimony of "the highest esteem of his country for his military character and abilities so gloriously displayed." The United States in congress placed among their records "the most lively sense of approbation of the conduct of Morgan and the men and officers under his command." To him they voted a gold medal, to Howard and Washington medals of silver, and swords to Pickens and Triplet.

The health of Morgan gave way soon after the battle; and in three weeks more a most severe acute attack of rheumatism, consequent on the exposures of this and his former campaigns, forced him to take a leave of absence. Wherever he had appeared, he had always heralded the way to daring

action, almost always to success. He first attracted notice in the camp round Boston, was foremost in the march through the wilderness to Canada, and foremost in the attempt to take Quebec by storm; he bore the brunt of every engagement with Burgoyne's army, and now he had won the most extraordinary victory of the war at the Cowpens. He took with him into retirement the praises of all the army, and of the chief civil representatives of the country. Again and again hopes rose that he might once more appear in arms; but the unrelenting malady obliged him to refuse the invitation of Lafayette and even of Washington.

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CHAPTER XXIII.

THE SOUTHERN CAMPAIGN. BATTLE OF GUILFORD COURT-HOUSE.

JANUARY — MARCH, 1781.

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Jan.
18.

MORGAN's success lighted the fire of emulation in the breast of Greene, and he was "loath it should stand alone." The defeat at the Cowpens took Cornwallis by surprise. "It is impossible," so he wrote on the eighteenth of January, to his superior, Sir Henry Clinton, "to foresee all the consequences that this unexpected and extraordinary event may produce. But nothing but the most absolute necessity shall induce me to give up the important object of the winter's campaign. Defensive measures would be certain ruin to the affairs of Britain in the southern colonies." Instead of remaining in South Carolina, as he should have done, he without orders and on his own responsibility persisted in his original plan of striking at the heart of North Carolina, establishing there a royal government, and pressing forward to a junction with the British troops on the Chesapeake.

25. Morgan divined his thoughts, and on the twenty-fifth

wrote to Greene the advice to join their forces. Receiving this letter, Greene, attended by a few dragoons, rode across the country, and on the thirtieth arrived in Morgan's camp at Sherrald's ford on the Catawba.

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Leaving Lord Rawdon with a considerable body of troops to defend South Carolina, Cornwallis, having formed a junction with the corps under Leslie, began his long march, avoiding the lower roads, there being so few fords in the great rivers below their forks. On the twenty-fifth, he collected his army at Ram-sower's mill, on the south fork of the Catawba. Here he resolved to give up his communications with South Carolina and to turn his army into light troops. Two days he devoted to destroying superfluous baggage and all wagons except those laden with hospital stores, salt, and ammunition, and four reserved for the sick and wounded, thus depriving his soldiers even of a regular supply of provisions. The measure, if not in every respect an absurd one, was adopted many days too late. Then, by forced marches through floods of rain, he approached the river, and prepared to force a passage as soon as the high waters should subside.

25.

Arriving in Morgan's camp, Greene agreed immediately with him that the plan of Cornwallis must extend to a co-operation with the British troops in Virginia, and he entered full of hope on the great career that was opening before him. To his forces on the Pedee he on the thirtieth sent orders to prepare to form at Guilford court-house a junction with those under Morgan, writing to Huger: "I am not without hopes of ruining Lord Cornwallis if

26

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80.

he persists in his mad scheme of pushing through the country. Here is a fine field and great glory ahead.”¹

On the same day “the famous Colonel William Campbell” was asked to “bring without loss of time a thousand good volunteers from over the mountains.” A like letter was addressed to Shelby, though without effect. To the officers commanding in the counties of Wilkes and Surry, Greene said: “If you repair to arms, Lord Cornwallis must be inevitably ruined.” He called upon Sumpter, as soon as his recovery should permit, to take the field at the head of the South Carolina militia; he gave orders to General Pickens to raise as many troops as he could in the district of Augusta and Ninety-Six, and hang on the rear of the enemy; and he sought out powerful horses and skilful riders to strengthen the cavalry of Washington.

Feb.
1.

Meantime parties sent out by Morgan brought in near a hundred British stragglers. He had sent his prisoners beyond the Yadkin on their way towards Virginia, when on the first day of February Cornwallis with a part of his army passed the Catawba at Macgowan’s ford. The dark stream was near five hundred yards wide, with a rocky bottom and a strong current, and was disputed by General Davidson of North Carolina with three hundred militia. By forsaking the true direction of the ford, the British escaped a direct encounter, but forty of their light infantry and grenadiers were killed or wounded; and the horse under Cornwallis was struck while in the stream, but reached the shore before falling. The other division passed the Catawba at Beattie’s

¹ Johnson’s Greene, i. 104.

ford, and the united army encamped about five miles from the river on the road to Salisbury. "I waited that night," writes Greene, "at the place appointed for the militia to collect at till past midnight, and not a man appeared." On the second and third of February the American light infantry, continuing their march, with the British at their heels, crossed the Yadkin at the Trading ford,¹ partly on flats and partly by fording, during the latter part of the time in a heavy rain. After the Americans were safe beyond the river and Morgan had secured all water craft on its south side, it rose too high to be forded. To the Americans it seemed that Providence was their ally.

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2.
3.

Cornwallis was forced to lose two days in ascending the Yadkin to the so-called Shallow ford, where he crossed on the seventh. On the night of the ninth he encamped near the Moravian settlement of Salem, where, upon the very border of the wilderness, gentle and humble and hospitable emigrants, bound by their faith never to take up arms, had chosen their abodes, and for their sole defence had raised the symbol of the triumphant Lamb. Among them equality reigned. No one, then or thereafter, was held in bondage. There were no poor, and none marked from others by their apparel or their dwellings. Everywhere appeared the same simplicity and neatness. The elders watched over the members of the congregation, and incurable wrong-doers were punished by expulsion. After their hours of toil came the hour of prayer, exhortations, and the singing of psalms and hymns. Under their well-directed labor on a bountiful soil, in

7.
9.¹ Greene MS.

CHAP. a genial clime, the wilderness blossomed like the
XXIII. rose.¹

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9.

- While Cornwallis rested for the night near Salem, at the distance of five and twenty miles the two divisions of the American army effected their junction at Guilford court-house. The united force was too weak to offer battle; a single neglect or mistake would have proved its ruin. Carrington of Virginia, the wise selection of Greene for his quarter-master, advised to cross the Dan twenty miles below Dix's ferry at the ferries of Irwin and Boyd, which were seventy miles distant from Guilford court-house, and where he knew that boats could be collected. The advice was adopted. To carry it out, Greene placed under Otho Williams the flower of his troops as a
10. light corps, which on the morning of the tenth sallied forth to watch and impede the advance of Cornwallis, to prevent his receiving correct information, and by guarding the approaches of Dix's ferry to lead him in that direction. They succeeded in keeping Cornwallis for a day or two in doubt.

- Meantime the larger part of the army under Greene, without tents, poorly clothed, and for the most part without shoes, "many hundreds of the soldiers tracking the ground with their bloody feet,"² retreated at the rate of seventeen miles a day along wilderness roads where the wagon wheels sunk in deep mire and the creeks were swollen by heavy
14. rains. On the fourteenth, they arrived at the ferries. Greene first sent over the wagons, and at half-past five in the afternoon could write "that all his troops were over and the stage clear."

¹ Dumas, i. 93, 97.

² Greene to Washington.

So soon as Cornwallis gained good information, he pursued the light troops at the rate of thirty miles a day, but he was too late. On the evening of the fourteenth, Otho Williams brought his party, which on that day had marched forty miles, to the ferries. The next morning, Cornwallis made his appearance there only to learn that the Americans, even to their rearguard, had crossed the river the night before.

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15.

The safety of the southern states had depended on the success of this retreat of two hundred miles from the Catawba to the north bank of the Dan. On the march from Guilford court-house, Greene scarcely slept four hours in as many days; and his care was so comprehensive that nothing, however trifling, was afterwards found to have been overlooked or neglected. "Your retreat before Cornwallis," wrote Washington, "is highly applauded by all ranks, and reflects much honor on your military abilities." "Every measure of the Americans," so wrote a British historian, "during their march from the Catawba to Virginia, was judiciously designed and vigorously executed."¹ Special applause was awarded to Carrington and to Otho Williams.

In the camp of Greene, every countenance was lighted up with joy. Soldiers in tattered garments, with but one blanket to four men, without shoes, without regular food, without pay, were proud and happy in the thought of having done their duty to their country. They all were ready to cross the Dan once more and attack.

After giving his troops a day's rest, Cornwallis

¹ Tarleton, 229.

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20.

moved by easy marches to Hillsborough, where on the twentieth he invited by proclamation all loyal subjects in North Carolina to repair to the royal standard which he erected, being himself ready to concur with them in re-establishing the government of the king.

No sooner had the British left the banks of the Dan, than Lee's legion recrossed the river. They were followed on the twenty-first by the light troops, and on the twenty-second by Greene with the rest of his army, including a re-enforcement of six hundred militia-men of Virginia.

The loyalists of North Carolina, inferring from the proclamation of Cornwallis that he was in peaceable possession of the country, rose in such numbers that seven independent companies were formed in one day; and Tarleton with the British legion was detached across the Haw river for their protection. By the order of Greene, Pickens, who had collected between three and four hundred militia, and Lee formed a junction and moved against both parties. Missing Tarleton, they fell in with three hundred royalists, under Colonel Pyle, and routed them with "dreadful carnage." Tarleton, who was refreshing his legion about a mile from the scene of action, hurried back to Hillsborough, and all royalists who were on their way to join the king's standard returned home. Cornwallis describes himself as being "among timid friends and adjoining to inveterate rebels."¹

To compel Greene to accept battle, Cornwallis on the twenty-seventh moved his whole force in two

¹ Commis. Clinton and Cornwallis, 32.

columns across the Haw, and encamped near Allomance creek. For seven days, Greene lay within ten miles of the British camp, but baffled his enemy by taking a new position every night. No fear of censure could hurry his determined mind. He waited till in March he was joined by the south-west Virginia militia under William Campbell, by another brigade of militia from Virginia under General Lawson, by two from North Carolina under Butler and Eaton, and by four hundred regulars raised for eighteen months. Then on the tenth, while Cornwallis was on his march to New Garden or the Quaker meeting-house, he prepared to hazard an engagement. On the fourteenth, he encamped near Guilford court-house, within eight miles of Cornwallis.

At dawn of day on the fifteenth, Cornwallis, having sent off his baggage under escort, set in motion the rest of his army, less than nineteen hundred in number, all of them veteran troops of the best quality. To oppose them, Greene had sixteen hundred and fifty-one men equal to the best of the British, and more than two thousand militia, in all twice as many as his antagonist. But he himself had not taken off his clothes since he left his camp on the Pedee; and on this most eventful day of his life he found himself worn out with fatigue and constant watching.

The ground on which his army was to be drawn up was a large hill, surrounded by other hills and almost everywhere covered with massive forest-trees and a thick undergrowth. To receive the enemy, he selected three separate positions: the first, admirably chosen; the second, three hundred yards in the rear of the first, was entirely in the woods; between one

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quarter and one third of a mile in the rear of the second was the third position, where he drew up his best troops obliquely, according to the declivities of a hill on which they were posted, most of them in a forest.¹ The positions were so far apart that they could give each other no support; so that Cornwallis had to engage, as it were, three separate armies, and in each engagement he would have a superiority in numbers. Greene had always differed with the commander-in-chief on the proper manner of using militia, — Washington being convinced that they should be used as a reserve to improve an advantage, while Greene insisted that they ought to be placed in front; and he now acted on that opinion.

The position selected for the first line is described by Greene as the most advantageous he ever saw. It was on the skirt of the wood, protected on the flanks and rear, having in the centre a fence, with open ground over which the British army was obliged to advance, exposed to a fire that must have torn them in pieces, had they encountered troops who would have stood their ground. Here Greene placed the two brigades of North Carolina militia, not quite eleven hundred in number, his poorest troops, suddenly called together, ignorant of war, of each other, and of their general officers. On their right were posted two six-pounders, and Lieutenant-Colonel Washington with an able corps of observation; on their left a like corps was formed of Lee's command and the riflemen from beyond the mountains.

The battle began with cannonading about one in the afternoon. The undivided force of Cornwallis

¹ Marshall's Life of Washington, i. 412.

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displayed into line, advanced at quick step, gave their fire, shouted, and rushed forward with bayonets. While they were still in the open field, at a distance of one hundred and forty yards, the North Carolina brigade fled, "none of them having fired more than twice, very few more than once, and near one-half not at all."¹ Lee and Campbell with their troops were separated from the main army, which they did not rejoin till the next day.

Without pausing to take breath, the British line, which had not escaped without loss, advanced to attack the second position of the Americans, defended by the Virginia brigade. The men were used to forest warfare, and they made a brave and obstinate resistance. They would discharge their pieces, draw back behind the brow of the hill to load, and return to renew their well-directed fire. In dislodging some Americans from their post on a woody height, the ranks of the first battalion of the guards were thinned and many of their officers fell.² The brigade did not retreat till the British drew near enough to charge with the bayonet.

The British army, though suffering from fatigue and weakened by heavy losses, pressed forward to the third American line, where Greene himself was present. A fierce attack was made on the American right by Colonel Webster with the left of the British. After a bloody and long-continued encounter, the British were beaten back by the continentals, and after great loss were forced to recross a ravine. Web-

¹ Greene in Letters to Washington, 266.

² Stedman, ii. 339, 340.

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ster himself received wounds which in a few days proved to be mortal.

The second battalion of the guards, led by Lieutenant-Colonel Stewart, broke through the second Maryland regiment, captured two field-pieces, and pursued their advantage into more open ground. Immediately Lieutenant-Colonel Washington, who had brought his cavalry once more into the field, made a charge upon them with his mounted men; and the first regiment of Marylanders, led by Gunby and seconded by Howard, engaged with their bayonets. Stewart fell under a blow from Captain Smith; and the British party was driven back with great slaughter and the loss of the cannon which they had taken.¹ The first battalion of the guards, although already crippled, advanced against the Americans. A severe American fire on its front and flanks completely broke its ranks. At this moment du Puy's Hessian regiment, which had thus far suffered but little, came up in compact order on the left of the guards, who rallied behind them, renewed the attack, and in turn defeated the Americans.

The British army appeared to be gaining the American right. The battle had raged for two hours. Greene could still order into the fight two Virginia regiments of continentals, of which one had hardly been engaged, the other had been kept back as a reserve; but he hesitated. After deliberating for some moments, not knowing how much the British had suffered, he left his cannon and the field to the enemy, and used his reserve only to cover the retreat of his army. The last as well as

¹ Stedman, ii. 340.

the first in the engagement were the riflemen of Campbell, who continued firing from tree to tree till they were compelled to fly by the cavalry of Tarleton. After the Americans were encamped in safety, Greene fainted from extreme exhaustion, and, on recovering consciousness, still remained far from well.

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Although the battle at Guilford drew after it, for the British, all the consequences of a defeat, and put an end to their power in North Carolina, no praise is too great for the conduct of their officers and troops throughout the day. Of the British, five hundred and seventy were killed or wounded; and their wounded, dispersed over a wide space of country, asked for immediate care.¹ Of the Americans, the loss was, of continentals, three hundred and twenty-six; of the militia, ninety-three. But nearly three hundred of the Virginia militia and six hundred of those of North Carolina, whose time of service had almost expired, seized the occasion to return home. The battle of King's Mountain drove Cornwallis back into South Carolina; the defeat at the Cowpens made his second invasion of North Carolina a desperate enterprise; the battle at Guilford court-house transformed the American army into pursuers, the British into fugitives.

Virginia furnished to the army that fought at Guilford sixteen hundred and ninety-three of her militia, and seven hundred and seventy-eight of her continental troops. "The great re-enforcements," wrote Cornwallis to Germain, "sent by Virginia to General Greene whilst General Arnold was

¹ Cornwallis to Germain, 17 March, 1781

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in the Chesapeake, are convincing proofs that small expeditions do not frighten that powerful province.”¹

This display of the magnanimity of Virginia was due to its great advisers. “Your state,” wrote Washington to Jefferson, its governor, “will experience more molestation in future; but the evils from these predatory incursions are not to be compared to the injury of the common cause. I am persuaded the attention to your immediate safety will not divert you from the measures intended to re-enforce the southern army. The late accession of force makes the enemy in Carolina too formidable to be resisted without powerful succors from Virginia.” And he gave orders to Steuben: “Make the defence of the state as little as possible interfere with the measures for succoring General Greene. Everything is to be apprehended if he is not powerfully supported from Virginia.” Jefferson made the advice of Washington his rule of conduct, though accused in his own state of doing too much for the Carolinas. On the third day after the battle, Greene wrote to Washington: “Virginia has given me every support I could wish.”²

In his report of the day of Guilford, Greene hardly did himself justice; public opinion took no note of his mistakes in the order of battle, and acknowledged the greatness of his general plan and its successful result. Virginia and the whole south confided in his capacity.

18. On the eighteenth, committing his wounded to the

¹ Commis. Clinton, Cornwallis, 50.

² Letters to Washington, iii. 267.

tender mercies of the Americans, Cornwallis, with the wreck of his victorious but ruined army, began his flight; and, as he hurried on, distributed by proclamation news of his victory, offers of pardon to repentant rebels, and promises of protection to the loyal. He was pursued by Greene, who was now eager for battle. On the morning of the twenty-eighth, the Americans arrived at Ramsay's Mills, on Deep river; but Cornwallis had just a few hours before crossed the river on a temporary bridge. No longer in danger of being overtaken, he moved by way of Cross creek, now Lafayette, towards Wilmington. His rapid march through a country thinly inhabited left no tracks which the quickening of spring did not cover over, except where houses had been burned and settlements broken up. But it taught the loyalists of North Carolina that they could put no trust in the promises of British generals, or the protection of the British king. All North Carolina, except Wilmington, was left to the Americans.

"From the report of Cornwallis," said Fox on the twelfth of June to the house of commons, "there is the most conclusive evidence that the war is at once impracticable in its object and ruinous in its progress. In the disproportion between the two armies a victory was highly to the honor of our troops; but, had our army been vanquished, what course could they have taken? Certainly they would have abandoned the field of action, and flown for refuge to the seaside; precisely the measures the victorious army was obliged to adopt." And he moved the house of commons to recommend to the ministers every possible measure for concluding peace.

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In the course of the very long debate, the younger William Pitt, then just twenty-two, avoiding the question of independence, explained to a listening house the principles and conduct of his father on American affairs. Then, referring to Lord Westcote, he said: "A noble lord has called the American war a holy war; I affirm that it is a most accursed war, wicked, barbarous, cruel, and unnatural; conceived in injustice, it was brought forth and nurtured in folly; its footsteps are marked with slaughter and devastation, while it meditates destruction to the miserable people who are the devoted objects of the resentments which produced it. The British nation, in return for its vital resources in men and money, has received ineffective victories and severe defeats, which have filled the land with mourning for the loss of dear relations slain in the impious cause of enforcing unconditional submission, or narratives of the glorious exertions of men struggling under all difficulties in the holy cause of liberty. Where is the Englishman who can refrain from weeping, on whatever side victory may be declared?" The voice was listened to as that of Chatham, "again living in his son with all his virtues and all his talents." "America is lost, irrecoverably lost, to this country," added Fox. "We can lose nothing by a vote declaring America independent."

On the division, an increased minority revealed the growing discontent of the house of commons at the continuance of the war.

CHAPTER XXIV.

THE SOUTHERN CAMPAIGN. GREENE IN SOUTH CAROLINA.

1781.

ON the seventh of April, Cornwallis brought the relics of his army to Wilmington, where a party sent by his orders from Charleston awaited him. He could not move by land towards Camden without exposing his troops to the greatest chances of being lost.¹ He should have sped to Charleston by water, to retain possession of South Carolina; but such a movement would have published to the world that all his long marches and victories had led only to disgrace. A subordinate general, sure of the favor and approval of Germain, he forced his plans on his commander-in-chief,² to whom he wrote: "I cannot help expressing my wishes that the Chesapeake may become the seat of war, even, if necessary, at the expense of abandoning New York." And without waiting for an answer, in the

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1781.
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¹ Cornwallis to Phillips, and
Cornwallis to Clinton, 4 April,
1781.

² Cornwallis to Clinton, Wil-
mington, 10 April, 1781, in Wash-
ington's Writings, vii. 458.

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last days of April, with a force of fourteen hundred and thirty-five men, all told, he left Wilmington for Virginia. Clinton replied:¹ "Had you intimated the probability of your intention, I should certainly have endeavored to have stopped you; as I did then as well as now consider such a move likely to be dangerous to our interests in the southern colonies."

April.

He had just received from the secretary this message: "Lord George Germain strongly recommends it to Sir Henry Clinton either to remain in good humor, in full confidence to be supported as much as the nature of the service will admit of, or avail himself of the leave of coming home; as no good can arise to the service if there is not full confidence between the general and the minister."² But, instead of resigning, he hastened to warn Germain: "Operations in the Chesapeake are attended with great risk, unless we are sure of a permanent superiority at sea. I cannot agree to the opinion given me by Lord Cornwallis."³ "I tremble for the fatal consequences which may ensue."⁴

But the subordinate general had from Wilmington written to the secretary, "that a serious attempt upon Virginia would be the most solid plan;"⁵ and Germain hastened to instruct Clinton: "Lord Cornwallis's opinion entirely coincides with mine of the great importance of pushing the war on the side of Virginia with all the force that can be spared."⁶

¹ Clinton to Cornwallis, 29 May, 1781.

⁵ Cornwallis to Germain, 18 April, 1781, in Tarleton, 385.

² Quoted in Clinton's Private Despatch of 30 April, 1781.

⁶ Germain to Clinton, 6 June, 1781, in Commis. Clinton, Cornwallis, 53.

³ Clinton to Germain, 23 April, 1781.

⁴ Ibid., 30 April, 1781. Private.

In his march from Wilmington, Cornwallis met little resistance. At Halifax, his troops were let loose to commit enormities that were a disgrace to the name of man.¹ For the place of junction with the British army in Virginia, he fixed upon Petersburg on the Appomatox.

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So soon as Cornwallis had escaped beyond pursuit, Greene "determined to carry the war immediately into South Carolina." Dismissing those of the militia whose time was about to expire, he retained nearly eighteen hundred men, with small chances of re-enforcements or of sufficient subsistence. He knew the hazards which he was incurring; but, in case of untoward accidents, he believed that Washington and his other friends would do justice to his name.

March
29.

The possession of the interior of South Carolina depended on the posts at Camden and Ninety-Six in that state, and at Augusta in Georgia. On the sixth of April, Greene detached a force under Lee, which joined Marion, and threatened the connections between Camden and Charleston; Sumpter, with three small regiments of regular troops of the state, had in charge to hold the country between Camden and Ninety-Six, and Pickens with the western militia to intercept supplies on their way to Ninety-Six and Augusta.²

April
6.

After these preparations, Greene on the seventh began his march from Deep river, and on the twentieth encamped his army a half mile from the strong and well-garrisoned works of Camden. In the hope

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¹ Stedman, ii. 385, note.

little from Johnson, ii. 68, and

² Ramsay, ii. 227; differing a little from Marshall, ii. 4.

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24.

- of intercepting a party whom Rawdon had sent out, Greene moved to the south of the town; but, finding that he had been misled, his army, on the twenty-fourth, took a well-chosen position on Hobkirk's hill. The eminence was covered with wood, and flanked on the left by an impassable swamp. The ground towards Camden, which was a mile and a half distant, was protected by a forest and thick shrubbery.
28. On the twenty-eighth, the men, having been under arms from daylight, were dismissed to receive provisions and prepare their morning repast. The horses were unsaddled and feeding; Greene was at breakfast.

By keeping close to the swamp, Rawdon, with about nine hundred men, gained the left of the Americans, "in some measure by surprise,"¹ and opened a fire upon their pickets. The good discipline which Greene had introduced now stood him in stead. About two hundred and fifty North Carolina militia, who had arrived that morning, did nothing during the day; but his cavalry was soon mounted, and his regular troops, about nine hundred and thirty in number, were formed in order of battle in one line without reserves. Of the two Virginia regiments, that under Hawes formed the extreme right, that of Campbell the right centre; of the two Maryland regiments, that of Ford occupied the extreme left, that of Gunby the left centre. Theartil-

¹ "After viewing the British works about Camden, I set out for Charlotte. On my way, two miles from town, I examined the ground on which General Greene and Lord Rawdon had their action. The ground had but just been taken

by the former, was well chosen, but he not well established in it before he was attacked, which, by capturing a vedette, was in some measure by surprise." — Washington's Diary, Thursday, 26 May, 1790

lery was placed in the road between the two brigades.¹ In this disposition he awaited the attack of Rawdon.

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Perceiving that the British advanced with a narrow front, Greene, with full confidence in gaining the victory, ordered Ford's regiment on the left and Campbell's on the right to wheel respectively on their flanks, the regiments of Hawes and Gunby to charge with bayonets without firing, and Washington with his cavalry to double the right flank and attack the enemy in the rear. Had every one of these movements succeeded, the army of Rawdon would have been ruined; but they were not executed with the promptness of veteran troops. Rawdon had time to extend his front by ordering up his reserves. Colonel Ford, in leading on his men, was disabled by a severe wound; and his regiment, without executing their orders, only replied by a loose scattering fire. On the other flank, the regiment of Campbell, composed of new troops, could not stand the brunt of the enemy, though they could be rallied and formed anew. Exposing himself greatly, Greene led up the regiment several times in person. Meantime the regiments under Hawes and Gunby advanced in front with courage, while the artillery played effectively on the head of the British column. But, on the right of Gunby's regiment, Captain Beatty, an officer of the greatest merit, fell mortally wounded; his company, left without his lead, began to waver, and the wavering affected the next company. Seeing this, Gunby absurdly ordered the regiment to retire, that they might form again. The British troops

¹ Davy in Johnson, ii. 94.

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seized the opportunity, broke through the American centre, advanced to the summit of the ridge, and brought their whole force into action on the best ground; so that Greene was forced to a retreat. Each party lost about three hundred men. The battle was over before Washington with his cavalry could make the circuit through the forest and attack their rear.

“Had we defeated the enemy,” wrote Greene, “not a man of the party would have got back into town. The disgrace is more vexatious than any thing else.” The Americans lost no more than the British; Rawdon was compelled to leave the field and return to Camden; Greene saved his artillery and collected all his men. Receiving a re-enforcement of five hundred, Rawdon crossed the Wateree in pursuit of him; but he skilfully kept his enemy at bay.

No sooner had Marion been re-enforced by Lee, than they marched against the fort on Wright’s bluff below Camden, the principal post of the British on the Santee, garrisoned by one hundred and fourteen men. The Americans were without cannon, and the bluff was forty feet high; but the forest stretched all around them; in the night the troops cut and hauled logs, and erected a tower so high that the garrison could be picked off by riflemen. Two days before the battle of Hobkirk’s hill, it capitulated.

The connection of Camden with Charleston being thus broken, the post became untenable. On the tenth of May, after destroying all public buildings and stores and many private houses, the British abandoned it, and they never held it again. On the eleventh, the post at Orangeburgh, held by sixty British

May
10.

11.

militia and twelve regulars, surrendered to Sumpter. Meantime Rawdon marched down the Santee on the north side, anxious to save the garrison of Fort Motte, to which Marion had laid siege. To hasten its surrender, Rebecca Motte, the owner of the house in which they were quartered, on the twelfth brought into camp a bow and a bundle of Indian arrows; and when the arrows had carried fire to her own abode, the garrison of a hundred and sixty-five men surrendered. Two days later, the British evacuated their post at Nelson's ferry. On the fifteenth, Fort Granby with three hundred and fifty-two men surrendered by capitulation. General Marion turned his arms against Georgetown; and, on the first night after the Americans had broken ground, the British retreated to Charleston. The troops under Rawdon did not halt until they reached Monk's corner.

The north-western part of South Carolina was thus recovered, but the British still held Ninety-Six and Augusta. Conforming to the plan which Greene had forwarded from Deep river, General Pickens and Colonel Clarke with militia kept watch over the latter. On the twentieth of May, they were joined by Lieutenant-Colonel Lee. The outposts were taken one after another, and on the fifth of June the main fort with about three hundred men capitulated. One officer, obnoxious for his cruelties, fell after the surrender by an unknown hand. Lieutenant-Colonel Brown, the commander, had himself hanged thirteen American prisoners, and delivered citizens of Georgia to the Cherokees to suffer death with all the exquisite tortures which savage barbarity could contrive; but on his way to Savannah an escort protected him from

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5.

CHAP. XXIV. the inhabitants whose houses he had burned, whose relations he had hanged.

1781. On the twenty-second of May, Greene, with Kosciuszko for his engineer, and nine hundred and eighty-four men, began the siege of Ninety-Six. The post, though mounting but three pieces of artillery, was strongly fortified; the garrison of five hundred and fifty was ample for the place; and the commander, Lieutenant-Colonel Cruger, was an officer of ability and enterprise.

A fleet from Ireland having arrived at Charleston with re-enforcements, Rawdon on the seventh of June marched with two thousand men to the relief of Ninety-Six. Loath to be baffled, Greene, on the 18. eighteenth, ordered a party of Marylanders and of Virginians to make a lodgement in the fort, in which no justifying breach had been made. Of the brave men who were sent into the ditch, one-third were killed, and but one in six came out of it unwounded. The next day the general raised the siege and withdrew to the north, complaining of fortune which had neither given him victory at Guilford, nor at Camden, nor now at Ninety-Six. But his fortitude always rose above disasters, and his resources did not fail him. He retreated as far as the Enoree.

Giving over pursuit, the British commander returned to Ninety-Six. That insulated post could no longer be maintained. Leaving the largest part of his force to assist in removing the loyalists, he marched with a thousand men to establish a detachment on the Congaree. Greene followed; and his cavalry, detached to watch the enemy's motions,

made prisoners of forty-eight British dragoons within one mile of their encampment.

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18.

Avoiding an encounter, Lord Rawdon retired to Orangeburgh, where he was re-enforced. On the other side, Greene, after forming a junction with the men of Sumpter and Marion, pursued him, and on the twelfth of July offered him battle. The offer was refused. On the thirteenth, Greene detached the cavalry of the legion, the state troops, and militia of South Carolina to compel the evacuation of Orangeburgh by striking at the posts around Charleston; the rest of the army was ordered to the high hills of the Santee, famed for pure air and pure water. On the same day, Cruger, who had evacuated Ninety-Six, joined Rawdon with his troops. He had called around him the royalists in the district of Ninety-Six, avowed to them that the post from its insulation could no longer be maintained, and set before them the option of making their peace with the Americans or fleeing under his escort to Charleston. Those who had signalized themselves by devoted service to the king now learned from his officer that he could no longer protect them in their own homes; and, forced to elect the lot of refugees, they brought into the camp of Cruger their wives, children, and slaves, wagons laden with the little of their property that they could carry away, sure to be thrust aside by the English at Charleston as troublesome guests, and left to wretchedness and despair.

July
12.
13.

The British when united were superior in number; but their detachments were attacked with success. They could not give the protection which they had promised, and the people saw no hope of peace

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4.

except in driving them out of the land. Weary of ceaseless turmoil, Rawdon repaired to Charleston, and, pretending ill health, sailed for England, but not till after a last act of vengeful inhumanity. Isaac Hayne, a planter in the low country whose affections were always with America, had, after the fall of Charleston, obtained a British protection. When the British lost the part of the country in which he resided and could protect him no longer, he resumed his place as an American citizen, and led a regiment of militia against the British. Taken prisoner, Balfour hesitated what to do with him; but Rawdon, who was Balfour's superior in command, had no sooner arrived in Charleston than, against the entreaties of the children of Hayne, of the women of Charleston, of the lieutenant-governor of the province, he sent him to the gallows. The execution was illegal; for the loss of power to protect forfeited the right to enforce allegiance. It was most impolitic; for it uprooted all remaining attachment of moderate men for the English government. It roused the women of Charleston to implacable defiance. The American army demanded retaliation; but after the departure of Rawdon there remained in South Carolina no British officer who would have repeated the act of revenge. His first excuse for the execution was that same order of Cornwallis which had filled the woods of Carolina with assassins. Feeling the act as a stain upon his name, he attempted at a later day, but only after the death of Balfour, to throw on that officer the blame that belonged especially to himself. The ship in which Rawdon embarked was captured by the French

at sea, but his rights as a prisoner of war were respected.

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Aug.

After a short rest, Greene moved his army from the hills of Santee in a roundabout way to attack the British at their post near the junction of the Wateree and Congaree. They retreated before him and halted at Eutaw springs. He continued the pursuit with so much skill that the British remained ignorant of his advance. At four o'clock on the morning of the eighth of September, his army was in motion to attack them. The centre of the front line was composed of two small battalions from North Carolina, and of one from South Carolina on each wing, commanded respectively by Marion and Pickens. The second line was formed of three hundred and fifty continentals of North Carolina, led by General Sumner; of an equal number of Virginians, commanded by Lieutenant-Colonel Campbell; and of two hundred and fifty Marylanders, under Otho Williams. Long and gallantly did the militia maintain the action, those with Marion and Pickens proving themselves equal to the best veterans. As they began to be overpowered by numbers, they were sustained by the North Carolina brigade under Sumner; and the Virginians under Campbell, and the Marylanders under Williams, charged with the bayonet. The British were routed. On a party that prepared to rally, Washington bore down with his cavalry and a small body of infantry, and drove them from the field. The victory was complete. Great numbers of the British had fallen, or were made prisoners.

Sept.
8.

Many of the Americans who joined in the shouts of triumph were doomed to bleed. A brick house

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8.

sheltered the British as they fled. Against the house Greene ordered artillery to play; but the gunners were shot down by riflemen, and the field-pieces abandoned to the enemy. Upon a party in an adjacent wood of barren oaks, Washington was ordered to charge with his horsemen; and the close, stiff branches of the stubborn trees made the cavalry useless. Colonel Washington himself, after his glorious share in the campaign, at the last moment of this last encounter, was wounded, disabled, and taken prisoner. So there were at Eutaw two successive engagements. In the first, Greene won brilliantly and with little loss; in the second, he sustained a defeat, with the death or capture of many of his bravest men.¹ In the two engagements, the Americans lost in killed, wounded, and missing, five hundred and fifty-four men; they took five hundred prisoners, including the wounded; and the total loss of the British approached one thousand. The cause of the United States was the cause of Ireland. Among the fruits of the battles of the former was the recovery for the latter of her equal rights in trade and legislation. Yet such is the sad complication in human affairs that the people who of all others should have been found taking part with America sent some of their best troops and their ablest men to take the field against the defenders of their own rights. Irishmen fought in the British ranks at Eutaw. Lord Edward Fitzgerald, who received on this day wounds that were all but mortal, had in later years no con-

¹ "C'est une grande science de savoir s'arrêter à temps." Vergennes to Lafayette, 1 Oct., 1781, commenting on the events of the day.

solation for his share in the conflict; "for," said he, 'I was then fighting against liberty.'

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Occupying the field of battle by a strong picket, Greene drew off for the night to his morning's camp, where his troops could have the refreshment of pure water, and prepare to renew the attack. But the British in the night, after destroying stores and breaking in pieces a thousand muskets, retreated to Charleston, leaving seventy of their wounded. Resting one or two days, Greene with his troops, which were wasted not only by battle, but by disease, regained his old position on the heights of Santee. He had been in command less than nine months, and in that short time the three southern states were recovered excepting only Wilmington, Charleston, and Savannah. His career had not been marked by victories, but he always gained the object for which he risked an engagement. He says of himself that he would "fight, get beaten, and fight again." He succeeded in driving Cornwallis out of the southern states, and in breaking up every British post in South Carolina outside of Charleston; having had, like the commander-in-chief, to contend with every evil that could come from the defects in government, and from want of provisions, clothes, and pay for his troops. Morris, the financier,¹ neglected him, sending him good words and little else. Yet while he saw clearly all the perils and evils against which he had to struggle, cheerful activity and fortitude never failed him. His care extended to every-

¹ The story which, according to Marshall, Robert Morris told of his keeping an agent near Greene with means to assist him, is not found to stand the test of historic criticism.

CHAP. thing in the southern department. It is the peculiar
XXIV. character of his campaign, that whatever was achieved
1781. was achieved by Americans alone, and by Americans
of the south. In the opinion of his country, he
gained for himself as a general in the American
army the place next to Washington.

CHAPTER XXV.

CAMPAIGN IN VIRGINIA.

1781.

CLINTON had himself resolved to hold a station in the Chesapeake Bay, and on the second of January, 1781, Arnold, with sixteen hundred men, appeared by his order in the James river. The generous state had sent its best troops and arms to the southern army. Nelson had received timely orders from Governor Jefferson to call out the militia of the low country; but, in the region of planters with slaves, there were not freemen enough at hand to meet the invaders; and Steuben, thinking Petersburg the object of attack, kept his small force on the south side of the river. Arnold offered to spare Richmond if he might unmolested carry off its stores of tobacco; the proposal being rejected with scorn, on the fifth and sixth, all its houses and stores, public and private, were set on fire. In the hope of capturing Arnold and his corps, Washington detached Lafayette with about twelve hundred rank and file to Virginia; and,

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March
6.

repairing to Newport, persuaded the French naval commander to send to the Chesapeake ten ships of war to co-operate with him. They were followed by the British squadron, and twelve leagues east of the bay an action took place. The French were compelled to return to Newport, while Arbuthnot entered the Chesapeake.

26. On the twenty-sixth of March, General Phillips, who brought from New York a re-enforcement of two thousand picked men, took the command in Virginia. All the stores of produce which its planters in five quiet years had accumulated were now carried off or destroyed. Their negroes, so desired in the West Indies, formed the staple article of plunder.

By a courier from Washington, Lafayette received information that Virginia was about to become the centre of active operations, and was instructed to defend the state as well as the weakness of his means would permit. His troops were chiefly from New England, and dreaded the unwholesome and unknown climate of lower Virginia. Besides, they were destitute of every thing. To prevent desertion, Lafayette, as soon as he found himself on the south side of the Susquehanna, in an order of the day, offered leave to any of them to return to the north; and not one would abandon him. At Baltimore he borrowed two thousand pounds sterling, supplied his men with shoes and hats, and bought linen, which the women of Baltimore made into summer garments. Then, by a forced march of two hundred miles, he arrived at Richmond on the

29. twenty-ninth of April, the evening before Phillips

reached the opposite bank of the river. Having in the night been joined by Steuben with militia, Lafayette was enabled to hold in check the larger British force. Wayne should have accompanied Lafayette with the Pennsylvania line, but they were detained week after week for needful supplies. Meantime Clinton, stimulated by Germain's constant praises of the activity of Cornwallis, sent another considerable detachment to Virginia.

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29.

On the thirteenth of May, General Phillips died of malignant fever. Arnold, on whom the command devolved, though only for seven days, addressed a letter to Lafayette. The young man returned it with scorn, refusing to correspond with a traitor; upon which Arnold threatened to send to the Antilles all American prisoners, unless a cartel should be immediately concluded. But on the twentieth Cornwallis arrived at Petersburg; and, to free his camp of one whom he despised, he ordered Arnold back to New York.

May
18.

20.

Clinton had little reason to be satisfied with an officer who had represented to the ministry that he might have taken the American posts in the Highlands in a few days by a regular attack. Nevertheless he detached him once more, and this time against his native state. Crossing from Long Island, the troops under his command, on the sixth of September, landed on each side of New London. The town, which offered little resistance, was plundered and burned. After a gallant defence of forty minutes by Colonel Ledyard, with about one hundred and fifty ill-armed militia-men, Fort Griswold was carried by storm, the Americans having lost not more than six

Sept.

6.

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 1781. men. When Ledyard had surrendered, the British officer in command ran him through with his sword, and refused quarter to the garrison. Seventy-three of them were killed, and more than thirty wounded; about forty were carried off as prisoners. With this expedition, Arnold disappears from history.

Cornwallis now found himself where he had so ardently desired to be,—in Virginia, at the head of seven thousand effective men, with not a third of that number to oppose him by land, and with undisputed command of the water.

The statesmen of Virginia, in the extremity of their peril, were divided in opinion. “Wanting a rudder in the storm,” said Richard Henry Lee, “the good ship must inevitably be cast away;” and he proposed to send for General Washington immediately, and invest him with “dictatorial powers.” But Jefferson, on the other hand, reasoned: “The thought alone of creating a dictator is treason against the people; is treason against mankind in general, giving to their oppressors a proof of the imbecility of republican government in times of pressing danger. The government, instead of being braced and invigorated for greater exertions under difficulties, would be thrown back.” As governor of Virginia, speaking for its people and representing their distresses, he wrote to Washington: “Could you lend us your personal aid? It is evident, from the universal voice, that the presence of their beloved countryman would restore full confidence, and render them equal to whatever is not impossible. Should you repair to your native state, the difficulty would then be how to keep men out of the

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28.

field." The words sunk deeply into Washington's mind.

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During the summer, congress sought to improve the methods of administration. It was proposed to substitute for executive committees a single head of each of the most important departments; and, against the opinion of Samuel Adams and without aid from Massachusetts, the system was adopted. Robert Morris was placed in charge of the finances of the confederation; the conduct of foreign affairs was intrusted to Robert Livingston of New York.

Outside of congress, Hamilton persevered in recommending an efficient government. His views were so identical with those of Robert Morris, that it is sometimes hard to say in whose mind they first sprung up. Many who agreed with them in wishing a stronger union might think they laid too much stress on the institution of a national bank; and their opinion that a national debt, if not excessive, would be a national blessing, a powerful cement to union, and a spur to industry, did not rise out of the best traditions of the country, and was carried, at least by the elder of the two, to a most perilous extreme.

Meantime the conduct of the war continued to languish for the want of a central government. In the states from which the most was hoped, Hancock of Massachusetts was vain and neglectful of business. The president of Pennsylvania was more ready to recount what the state had done than what it meant to do; so that the army was not wholly free from the danger of being disbanded for want of subsistence. Of the armed vessels of the United States,

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all but two frigates had been taken or destroyed. Tired of the war and conscious of weakness, congress, yielding to the influence of the French Minister, made for its sole condition of peace the independence of the United States. The mediation of the empress of Russia and the emperor of Germany was accepted. The American commissioners were not restrained by absolute instructions with respect to boundaries, fisheries, the navigation of the Mississippi, or the country west of the Ohio; and they were charged "to undertake nothing in their negotiations for peace or truce without the knowledge and concurrence of the ministers of the king of France, and ultimately to govern themselves by their advice and opinion." That New Hampshire abandoned the claim to the fisheries was due to Sullivan, who at the time was a pensioner of Luzerne.

Aug.
27.

Madison still persevered in the effort to obtain power for congress to collect a revenue, and that body named a committee to examine into the changes which needed to be made in the articles of confederation. "The difficulty of continuing the war under them," so wrote Luzerne on the twenty-seventh of August, "proves equally the necessity of reforming them, produced, as they were, at an epoch, when the mere name of authority inspired terror, and by men who thought to make themselves agreeable to the people. I can scarcely persuade myself that they will come to an agreement on this matter. Some persons even believe that the actual constitution, all vicious as it is, can be changed only by some violent revolution."

The French government declined to furnish means

for the siege of New York. After the arrival of its final instructions, Rochambeau, attended by Chastellux, in a meeting with Washington at Weathersfield, on the twenty-first of May, settled the preliminaries of the campaign. The French land force was to march to the North river, and, in conjunction with the American army, be ready to move to the southward. De Grasse was charged anew on his way to the north to enter the Chesapeake. In the conduct of the war for the coming season there would be union; for congress had lodged the highest power in the northern and southern departments in the hands of Washington, and France had magnanimously placed her troops as auxiliaries under his command.

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21.

Before his return, the American general called upon the governors of the four New England states, "in earnest and pointed terms," to complete their continental battalions, to hold bodies of militia ready to march in a week after being called for, and to adopt effective modes of supply. Governor Trumbull, of Connecticut, cheered him with the opinion that he would obtain all that he needed.

In June, the French contingent, increased by fifteen hundred men, newly arrived in ships of war, left Newport for the Hudson river. The inhabitants crowded around them on their march, glad to recognise in them allies and defenders, and, mingling at their encampments with officers and soldiers, listened with delight to the bands of their regiments. The rights of private property were most scrupulously respected, and the petty exigencies of local laws good-naturedly submitted to.

Cornwallis began his career in Virginia by seizing

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7.

the fine horses on the James river, and mounting a gallant and most effective cavalry, five or six hundred in number. He then started in pursuit of Lafayette, who, with about one thousand continental troops, was posted between Wilton and Richmond, waiting for re-enforcements from Pennsylvania. "Lafayette, I think, cannot escape him," wrote Clinton to Germain.¹ The youthful commander warily kept to the north of his pursuer, and, passing South and North Anna, went through the wilderness across the Rapidan, and on the seventh of June made a junction with Wayne not far from Raccoon ford. Small as was his force, he compared the British in Virginia to the French occupation of Hanover in the seven years' war, and confidently predicted analogous results. Cornwallis advanced as far as Hanover courthouse, then crossed South Anna, and, having failed in his first object, he sent out two detachments, — one of cavalry under Tarleton to break up the Virginia assembly, then in session at Charlottesville; the other to the Point of Fork, where Steuben, with five hundred Virginians of the line and a few of the militia, kept guard over large stores intended for the south. The main body of his army, in its camp on the James river, just below Byrd creek, awaited the return of the expeditions. For the next ten days, Cornwallis established his head-quarters at Elk Hill on a plantation belonging to Jefferson.

With one hundred and eighty dragoons and forty mounted infantry, Tarleton rode seventy miles in

¹ Clinton to Germain, 9 June, that Cornwallis himself wrote: 1781. Out of this has been manufactured the groundless story "The boy cannot escape me."

twenty-four hours, destroying public stores on the way; but the assembly, having received warning, had adjourned, and Jefferson had gone to the mountains on horseback. The dragoons overtook seven of the legislature. Otherwise the expedition was fruitless.

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June.

Steuben had transported his magazine across the Fluvanna, and was safe, the water being too deep to be forded; but Simcoe, who was sent against him, made him believe that the whole British army was in pursuit of him; and he fled, leaving behind him some part of his stores.

The two detachments rejoined the camp of Cornwallis, which extended along the James river from the Point of Fork to a little below the mouth of Byrd creek. Tarleton had suffered nothing of Jefferson's at Monticello to be injured. At Elk Hill, under the eye of Cornwallis, all the barns and fences were burned; the growing crops destroyed; the fields laid absolutely waste; the throats cut of all the horses that were too young for service, and the rest carried off. He took away about thirty slaves, but not to give them freedom. The rest of the neighborhood was treated in like manner, but with less of destructive fury.

In the march of the British army from Elk Hill down the river to Williamsburg, where it arrived on the twenty-fifth of June, all dwelling-houses were plundered. The trusty band of Lafayette hung upon its rear, but could not prevent its depredations. The Americans of that day computed that Cornwallis in his midsummer marchings up and down Virginia destroyed property to the value of three million

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pounds sterling. He nowhere gained a foothold, and he obtained no supplies except through the terror of his arms. His long travels had only taught him that the bulk of the people were bent on independence.

At Williamsburg, to his amazement and chagrin, he received from his chief orders to send back about three thousand men. Clinton's letter of the eleventh expressed his fear of being attacked in New York by more than twenty thousand; there was, he said, no possibility of re-establishing order in Virginia, so general was the disaffection to Great Britain. Cornwallis should therefore take a defensive situation in any healthy station he might choose, be it at Williamsburg or Yorktown. On the fifteenth, he added: "I do not think it advisable to leave more troops in that unhealthy climate at this season of the year than are absolutely wanted for a defensive and a desultory water expedition." "De Grasse," so he continued on the nineteenth, "will visit this coast in the hurricane season, and bring with him troops as well as ships. But when he hears that your Lordship has taken possession of York river before him, I think that their first efforts will be in this quarter. I am, however, under no great apprehensions, as Sir George Rodney seems to have the same suspicions of de Grasse's intention that we have, and will, of course, follow him hither."

From this time, the hate which had long existed between the lieutenant-general and the commander-in-chief showed itself without much reserve. The former was eager to step into the chief command; the latter, though he had threatened to throw up his

place, clung to it tenaciously, and declared that he would not be "duped" ¹ by his rival into resigning.

"To your opinions it is my duty implicitly to submit," was the answer of Cornwallis to the orders of Clinton; and on the fourth of July he began his march to Portsmouth. On that day, the royal army arrived near James island, and in the evening the advanced guard reached the opposite bank of the James river. Two or three more days were required to carry over all the stores and the troops. The small American army followed at a distance. Beside fifteen hundred regular troops, equal to the best in the royal army, Lafayette drew to his side as volunteers gallant young men mounted on their own horses from Maryland and Virginia. Youth and generosity, courage and prudence, were his spells of persuasion. His perceptions were quick and his vigilance never failed, and in his methods of gaining information of the movements of the enemy he excelled all officers in the war except Washington and Morgan. All accounts bear testimony to his prudence, and that he never once committed himself during a very difficult campaign.² Of his self-possession in danger he was now called upon to give proof.

On the sixth, Lafayette judged correctly that the great body of the British army was still on the north side of the James river; but Wayne, without his knowledge, detached a party under Colonel Galvan to carry off a field-piece of the enemy which was

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4.

6.

¹ The word "duped" is used by Clinton in his notes on Stedman's History.

² Tarleton, 355. The one act of rashness to which Tarleton refers was not the act of Lafayette.

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 said to lie exposed. The information proved false. The party with Galvan found themselves suddenly in front of the advancing British line; and they retreated in column till they met Wayne with the Pennsylvania brigade. It suited the character of that officer to hazard an encounter. The British moved on with loud shouts and incessant fire. Wayne, discovering that he had been tempted to engage a greatly superior force, saw his only safety in redoubling his courage; and he kept up the fight till Lafayette, braving the hottest fire, in which his horse was killed under him, brought up the light infantry, and rescued the Pennsylvanians from their danger. Two of Wayne's field-pieces were left behind. In killed and wounded, each side lost about one hundred and twenty. The action took its name from the Green Springs farm, about eight miles above Jamestown, where Lafayette encamped for the night.

After passing the river, Cornwallis, on the eighth, wrote orders to Tarleton with mounted troops to ravage Prince Edward's and Bedford counties, and to destroy all stores, whether public or private. The benefit derived from the destruction of property was not equal to the loss in skirmishes on the route and from the heats of midsummer.

From his camp on Malvern Hill, Lafayette urged Washington to march to Virginia in force, and he predicted in July that if a French fleet should enter Hampton roads the English army must surrender. In like manner, on the eighth of the same month, Cornwallis, in reply to Clinton, reasoned earnestly against a defensive post in the Chesapeake. "It cannot have the smallest influence on the war in Carolina: it only

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gives us some acres of an unhealthy swamp, and is for ever liable to become a prey to a foreign enemy with a temporary superiority at sea." Thoroughly disgusted with the aspect of affairs in Virginia, he asked leave to transfer the command to General Leslie, and for himself to go back to Charleston. Meantime transport ships arrived in the Chesapeake: and, in a letter which he received on the twelfth, he was desired by his chief so to hasten the embarkation of three thousand men that they might sail for New York within forty-eight hours; for, deceived by letters which were written to be intercepted, he believed that the enemy would certainly attack that post.

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But the judgment of Clinton was further confused by still another cause. The expectation of a brilliant campaign in Virginia had captivated the minds of Lord George Germain and the king; and now that Cornwallis was thoroughly cured of his own presumptuous delusions, they came back to Clinton in the shape of orders from the American secretary, who dwelt on the vast importance of the occupation of Virginia, and on the wisdom of the present plan of pushing the war in that quarter. It was a great mortification to him that Clinton should think of leaving only a sufficient force to serve for garrisons in the posts that might be established there, and he continued: "Your ideas of the importance of recovering that province appearing to be so different from mine, I thought it proper to ask the advice of his Majesty's other servants upon the subject, and, their opinion concurring entirely with mine, it has been submitted to the king; and I am commanded

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 1781. by his Majesty to acquaint you that the recovery of the southern provinces and the prosecution of the war from south to north is to be considered as the chief and principal object for the employment of all the forces under your command which can be spared from the defence of the places in his Majesty's possession."

June 6. On Cornwallis he heaped praises, writing to him in June: "The rapidity of your movements is justly matter of astonishment to all Europe." To Clinton he repeated in the same month: "Lord Cornwallis's opinion entirely coincides with mine;" and on the July 7. seventh of July: "The detachments sent to Virginia promise more towards bringing the southern colonies to obedience than any offensive operation of the war;" a week later: "You judiciously sent ample re-enforcements to the Chesapeake;" and on the August 2. August: "As Sir George Rodney knows the destination of de Grasse, and the French acknowledge his ships sail better than theirs, he will get before him and be in readiness to receive him when he comes upon the coast. I see nothing to prevent the recovery of the whole country to the king's obedience." So the troops in Virginia which were already embarked were ordered to remain there. "As to quitting the Chesapeake entirely," wrote Clinton in a letter received by Cornwallis on the twenty-first of July, "I cannot entertain a thought of such a measure. I flatter myself you will at least hold Old Point Comfort, if it is possible to do it without York." And four days later Clinton urged again: "It ever has been, is, and ever will be, my firm and unalterable opinion that it is of the first consequence to his

Majesty's affairs on the continent, that we take possession of the Chesapeake, and that we do not afterwards relinquish it." "Remain in Chesapeake, at least until the stations I have proposed are occupied and established. It never was my intention to continue a post on Elizabeth river." Now the post of Portsmouth on Elizabeth river had, as Lafayette and Washington well understood, the special value that it offered in the last resort the chance of an escape into the Carolinas.

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The engineers, after careful and extensive surveys, reported unanimously, that a work on Point Comfort would not secure ships at anchor in Hampton roads. To General Phillips on his embarkation in April, Clinton's words had been: "With regard to a station for the protection of the king's ships, I know of no place so proper as Yorktown."¹ Nothing therefore remained but, in obedience to the spirit of Clinton's orders, to seize and fortify York and Gloucester.² Cornwallis accordingly, in the first week of August, embarked his troops successively, and, evacuating Portsmouth, transferred his whole force to Yorktown and Gloucester. Yorktown was then but a small village on a high bank, where the long peninsula dividing the York from the James river is less than eight miles wide. The water is broad, bold, and deep; so that ships of the line may ride there in safety. On the opposite side lies Gloucester, a point of land projecting into the river so as to narrow its width to one mile. These were occupied by Cornwallis, and fortified with the utmost diligence; though in his delib-

Aug.
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2.
8.¹ Answer, 175.² Answer, 174.

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 erate judgment the measure promised no honor to himself, and no advantage to Great Britain.

1781. On the other hand, Lafayette, concentrating his forces in a strong position at a distance of about eight miles, indulged in the happiest prophecies, and wrote on the twenty-fourth of August to Maurepas: "I owe you so much gratitude, and feel for you so much attachment, that I wish sometimes to recall to your recollection the rebel commander of the little Virginia army. Your interest for me will have been alarmed at the dangerous part which has been intrusted to me in my youth. Separated by five hundred miles from every other corps and without any resources, I am to oppose the projects of the court of St. James and the fortunes of Lord Cornwallis. Thus far we have encountered no disaster." On the same day, his words to Vergennes were: "In pursuance of the immense plan of his court, Lord Cornwallis left the two Carolinas exposed, and General Greene has largely profited by it. Lord Cornwallis has left to us Portsmouth, from which place he was in communication with Carolina, and he now is at York, a very advantageous place for one who has the maritime superiority. If by chance that superiority should become ours, our little army will participate in successes which will compensate it for a long and fatiguing campaign. They say that you are about to make peace. I think that you should wait for the events of this campaign."

On the very day on which Cornwallis took possession of York and Gloucester, Washington, assured of the assistance of de Grasse, turned his whole thoughts towards moving with the French troops under Rocham-

beau and the best part of the American army to the Chesapeake. While hostile divisions and angry jealousies increased between the two chief British officers in the United States, on the American side all things conspired happily together. De Barras, who commanded the French squadron at Newport, wrote as to his intentions: "M. de Grasse is my junior; yet, as soon as he is within reach, I will go to sea to put myself under his orders." The same spirit insured unanimity in the mixed council of war. The rendezvous was given to de Grasse in Chesapeake Bay; and, at the instance of Washington, he was to bring with him as many land troops as could be spared from the West Indies. Clinton was so certain in his own mind that the siege of New York was the great object of Washington, that, although the force under his command, including militia, was nearly eighteen thousand, he suffered the Hudson river to be crossed on the twenty-third and twenty-fourth of August without seizing the opportunity to give annoyance. Von Wurmb, a Hessian colonel, who had command at King's bridge, again and again reported that the allied armies were obviously preparing to move against Cornwallis; but the general insisted that the appearances were but a stratagem. On the second of September, it first broke on his mind that Washington was moving southward.

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In the allied camp all was joy. The love of freedom penetrated not the French officers only, but inflamed the soldiers. Every one of them was proud of being a defender of the young republic. The new principles entered into their souls, and became a part of their nature. On the fifth of Sep-

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tember, they encamped at Chester. Never had the French seen a man penetrated with a livelier or more manifest joy than Washington when he there learned that, on the last day but one in August, the Count de Grasse with twenty-eight ships of the line, and nearly four thousand land troops, had entered the Chesapeake, where, without loss of time, he had moored most of the fleet in Lynnhaven bay, blocked up York river, and, without being in the least annoyed by Cornwallis, had disembarked at James island three thousand men under the command of the Marquis de St. Simon. Here too prevailed unanimity. St. Simon, though older in military service as well as in years, placed himself and his troops as auxiliaries under the orders of Lafayette, because he was a major-general in the service of the United States. The combined army in their encampment could be approached only by two passages, which were in themselves difficult, and were carefully guarded, so that Cornwallis could not act on the offensive, and found himself effectually blockaded by land and by sea.

One more disappointment awaited Cornwallis. If a bad king or a bad minister pursues bad ends, he naturally employs bad men. No great naval officer wished to serve against the United States. Lord Sandwich, after the retirement of Howe, gave the naval command at New York to officers without ability; and the aged and imbecile Arbuthnot was succeeded by Graves, a coarse and vulgar man, of mean ability and without skill in his profession. Rodney should have followed de Grasse to the north: but he had become involved in pecuniary perils by his indiscriminate seizures at St. Eustatius, and laid him-

self open to censure for his inactivity during the long-continued sale of his prize-goods. Pleading ill health, he escaped from uncongenial cares by sailing for England. To the north he sent in his stead Sir Samuel Hood, with fourteen sail of the line, frigates, and a fire-ship into the Chesapeake, where a junction with Graves would have given the English the supremacy in the bay. But Graves, who was of higher rank than Hood, was out of the way on a silly cruise before Boston, which had no purpose unless to pick up a few prizes. Meantime de Barras, with eight ships of the line, sailed from Newport, conveying ten transports, which contained the ordnance for the siege of Yorktown.

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There was no want of information at New York, yet the British fleet did not leave Sandy Hook until the day after de Grasse had arrived in the Chesapeake. Early on the fifth of September, Graves discovered the French fleet at anchor in the mouth of the Chesapeake. De Grasse, though eighteen hundred of his seamen and ninety officers were on duty in James river, ordered his ships to slip their cables, turn out from the anchorage ground, and form the line of battle. The action began at four o'clock in the afternoon, and continued till about sunset. The British sustained so great a loss that, after remaining five days in sight of the French, they returned to New York. On the first day of their return voyage, they evacuated and burned "The Terrible," a ship of the line, so much had it been damaged in the engagement. De Grasse, now undisturbed master of the Chesapeake, on his way back to his anchoring ground captured two British ships, each of thirty-

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5.

11.

CHAP. two guns, and he found de Barras safely at anchor in
 XXV. the bay.

1781. Leaving the allied troops to descend by water from Elk river and Baltimore, Washington, with Rochambeau and Chastellux, riding sixty miles a day, on the evening of the ninth reached his "own seat at Mount Vernon." It was the first time in more than six years that he had seen his home. From its lofty natural terrace above the Potomac, his illustrious guests commanded a noble river, a wide expanse, and the height, then clothed in forest, within a generation to bear the capitol of the united republic.

Sept.
9.

14. Two days were given to domestic life. On the fourteenth, the party arrived at Williamsburg, where Lafayette, recalling the moment when in France the poor rebels were held in light esteem, and when he nevertheless came to share with them all their perils, had the pleasure of welcoming Washington, as generalissimo of the combined armies of the two nations, to scenes of glory.

The first act of Washington was to repair to the "Ville de Paris" to congratulate de Grasse on his victory. The system of co-operation between the land and naval forces was at the same time concerted.

At this moment Gerry wrote from Massachusetts to Jay: "You will soon have the pleasure of hearing of the capture of Lord Cornwallis and his army." "Nothing can save Cornwallis," said Greene, "but a rapid retreat through North Carolina to Charleston." On the seventeenth, Cornwallis reported to Clinton: "This place is in no state of defence. If you cannot relieve me very soon, you must be pre-

pared to hear the worst." On that same day, a council of war, held by Clinton at New York, decided that Cornwallis must be relieved; "at all events before the end of October." The next day Rear-Admiral Graves answered: "I am very happy to find that Lord Cornwallis is in no immediate danger."

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One peril yet menaced Washington. Count de Grasse, hearing of a re-enforcement of the fleet at New York, was bent on keeping the sea, leaving only two vessels at the mouth of the York river. Against this Washington addressed the most earnest remonstrance: "I should esteem myself deficient in my duty to the common cause of France and America, if I did not persevere in entreating you to resume the plans that have been so happily arranged." The letter was taken by Lafayette, who joined to it his own explanations and reasonings; and de Grasse, though reluctantly, agreed to remain within the capes. Washington wrote on the twenty-seventh in acknowledgment: "A great mind knows how to make personal sacrifices to secure an important general good."

25.

27.

The troops from the north having been safely landed at Williamsburg, on the twenty-eighth the united armies marched for the investiture of Yorktown, drove every thing on the British side before them, and lay on their arms during the night.

28.

The fortifications of Yorktown, which were nothing but earthworks freshly thrown up, consisted on the right of redoubts and batteries, with a line of stockade in the rear, which supported a high parapet. Over a marshy ravine in front of the right, a large redoubt was placed. The morass extended

CHAP. XXV. along the centre, which was defended by a stockade and batteries. Two small redoubts were advanced before the left. The ground in front of the left was in some parts level with the works, in others cut by ravines; altogether very convenient for the besiegers. The space within the works was exceedingly narrow, and except under the cliff was exposed to enfilade.

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29. The twenty-ninth was given to reconnoitring, and forming a plan of attack and approach. The French entreated Washington for orders to storm the exterior posts of the British; in the course of the night before the thirtieth, Cornwallis ordered them all to be abandoned, and thus prematurely conceded to the allied armies ground which commanded his line of works in a very near advance, and gave great advantages for opening the trenches.
- 30.

At Gloucester, the enemy was shut in by dragoons under the Duke de Lauzun, Virginia militia under General Weedon, and eight hundred marines. Once, and once only, Tarleton and his legion, who were stationed on the same side, undertook to act offensively; but the Duke de Lauzun and his dragoons, full of gayety and joy at the sight, ran against them and trampled them down. Tarleton's horse was taken; its rider barely escaped.

Oct.
5.

In the night before the sixth of October, every thing being in readiness, trenches were opened at six hundred yards' distance from the works of Cornwallis, — on the right by the Americans, on the left by the French; and the labor was executed in friendly rivalry, with so much secrecy and despatch that it was first revealed to the enemy by the light of morning. Within three days, the first parallel was completed, the redoubts

finished, and batteries were employed in demolishing the embrasures of the enemy's works, and their advanced redoubts. On the night before the eleventh, the French battery on the left, by red-hot shot, set on fire the frigate "Charon" of forty-four guns, and three large transport ships, which were entirely consumed.

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10.

On the eleventh, the combined armies began at night their second parallel within three hundred yards of the lines of the British. This measure was undertaken so much sooner than they expected that it could be conducted with the same secrecy as before, and they had no suspicion of the working parties till daylight discovered them to their pickets.

11.

All day on the fourteenth, the American batteries were directed against the abatis and salient angles of two advanced redoubts of the British, both of which needed to be included in the second parallel; and breaches were made in them sufficient to justify an assault. That on the right near York river was garrisoned by forty-five men, that on the left by thrice as many. The storming of the former fell to the Americans under the command of Lieutenant-Colonel Hamilton; that of the latter to the French, of whom four hundred grenadiers and yagers of the regiments of Gatinois and of Deux Ponts, with a large reserve, was intrusted to Count William de Deux Ponts and to Baron de l'Estrade.

14.

At the concerted signal of six shells consecutively fired, the corps under Hamilton advanced in two columns without firing a gun, — the right composed of his own battalion, led by Major Fish, and of another commanded by Lieutenant-Colonel Gimat; the left,

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14.

of a detachment under Lieutenant-Colonel Laurens, destined to take the enemy of reverse and intercept their retreat. All the movements were executed with exactness, and the redoubt was in the same moment enveloped and carried in every part. Lieutenant Mansfield conducted the vanguard with coolness and punctuality, and was wounded with a bayonet as he entered the work. Captain Olney led the first platoon of Gimat's battalion over the abatis and palisades, and gained the parapet, receiving two bayonet wounds in the thigh and in the body, but not till he had directed his men to form. Laurens was among the foremost to enter the work, making prisoner of Major Campbell, its commanding officer. Animated by his example, the battalion of Gimat overcame every obstacle by their order and resolution. The battalion under Major Fish advanced with such celerity as to participate in the assault. Incapable of imitating precedents of barbarity, the Americans spared every man that ceased to resist; so that the killed and wounded of the enemy did not exceed eight. The conduct of the affair brought conspicuous honor to the talents and gallantry of Hamilton.

Precisely as the signal was given, the French on the left, in like manner, began their march in the deepest silence. At one hundred and twenty paces from the redoubt, they were challenged by a German sentry from the parapet; they pressed on at a quick time, exposed to the fire of the enemy. The abatis and palisades, at twenty-five paces from the redoubt, being strong and well preserved, stopped them for some minutes and cost them many men. So soon as the way was cleared by the brave carpenters,

the storming party threw themselves into the ditch, broke through the fraises and mounted the parapet. Foremost was Charles de Lameth, who had volunteered for this attack, and who was wounded in both knees by two different musket-balls. The order being now given, the French leaped into the redoubt, and charged the enemy with the bayonet. At this moment, the Count de Deux Ponts raised the cry of "Vive le roi," which was repeated by all of his companions who were able to lift their voices. De Sireuil, a very young captain of yagers, who had been wounded twice before, was now wounded for the third time and mortally. Within six minutes, the redoubt was mastered and manned; but in that short time nearly one hundred of the assailants were killed or wounded.

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14.

Louis the Sixteenth distinguished the regiment of Gatinois by naming it the "Royal Auvergne." Washington acknowledged the emulous courage, intrepidity, coolness, and firmness of the attacking troops. On that night "victory twined double garlands around the banners" ¹ of France and America.

By the unwearied labor of the French and Americans, both redoubts were included in the second parallel in the night of their capture. Just before the break of day of the sixteenth, the British made a sortie upon a part of the second parallel and spiked four French pieces of artillery and two of the American; but on the quick advance of the guards in the trenches they retreated precipitately. The spikes were easily extracted; and in six hours the cannon again took part in the fire which enfiladed the British works.

¹ Oliver Wendell Holmes, "Vive la France."

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18.

On the seventeenth, Cornwallis, who could neither hold his post nor escape into the country, proposed to surrender. On the eighteenth, Colonel Laurens and the Viscount de Noailles as commissioners on the American side met two high officers of the army of Cornwallis to draft the capitulation. The articles were the same as those which Clinton had imposed upon Lincoln at Charleston. All the troops were to be prisoners of war; all public property was to be delivered up. Runaway slaves and the plunder taken by officers and soldiers in their marches through the country might be reclaimed by their owners; otherwise, private property was to be respected. All royalists were abandoned to trial by their own countrymen. But in the packet which took the despatches to Sir Henry Clinton, Cornwallis conveyed away such persons as were most obnoxious to the laws of Virginia.

Of prisoners, there were seven thousand two hundred and forty-seven of regular troops, the flower of the British army in America, beside eight hundred and forty sailors. The British loss during the siege amounted to more than three hundred and fifty. A hundred and six guns were taken, of which seventy-five were of brass. The land forces and stores were assigned to the Americans, the ships and mariners to the French. At four o'clock in the afternoon of the nineteenth, Cornwallis remaining in his tent, Major General O'Hara marched the British army past the lines of the combined armies, and, not without signs of repugnance, made his surrender to Washington. His troops then stepped forward decently and piled their arms on the ground.

Nor must impartial history fail to relate that the French provided for the siege of Yorktown thirty-seven ships of the line, and the Americans not one; that while the Americans supplied nine thousand troops, of whom fifty-five hundred were regulars, the contingent of the French consisted of seven thousand.

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Among the prisoners were two battalions of Anspach, amounting to ten hundred and seventy-seven men; and two regiments of Hesse, amounting to eight hundred and thirty-three. On the way to their camp, they passed in front of the regiment of Deux Ponts. At the sight of their countrymen, they forgot that they had been in arms against each other, and embraced with tears in their eyes. The English soldiers affected to look at the allied army with scorn. Their officers, of more reflection, conducted themselves with decorum, yet could not but feel how decisive was their defeat.

When the letters of Washington announcing the capitulation reached congress, that body, with the people streaming in their train, went in procession to the Dutch Lutheran church to return thanks to Almighty God. Every breast swelled with joy. In the evening, Philadelphia was illuminated with greater splendor than at any time before. Congress voted honors to Washington, to Rochambeau, and to de Grasse, with special thanks to the officers and troops. A marble column was to be erected at Yorktown, with emblems of the alliance between the United States and his most Christian Majesty.

The Duke de Lauzun, chosen to take the news across the Atlantic, arrived in twenty-two days at Brest, and reached Versailles on the nineteenth of

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19.

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19.

November. The king, who had just been made happy by the birth of a dauphin, received the glad news in the queen's apartment. The very last sands of the life of the Count de Maurepas were running out; but he could still recognise de Lauzun, and the tidings threw a halo round his death-bed. The joy at court penetrated the whole people, and the name of Lafayette was pronounced with veneration. "History," said Vergennes, "offers few examples of a success so complete." "All the world agree," wrote Franklin to Washington, "that no expedition was ever better planned or better executed. It brightens the glory that must accompany your name to the latest posterity."

25. The first tidings of the surrender of Cornwallis reached England from France, about noon on the twenty-fifth of November. "It is all over," said Lord North many times, under the deepest agitation and distress. Fox — to whom, in reading history, the defeats of armies of invaders, from Xerxes' time downwards, gave the greatest satisfaction — heard of the capitulation of Yorktown with wild delight. He hoped that it might become the principle of all mankind that power resting on armed force is invidious, detestable, weak, and tottering. The official report from Sir Henry Clinton was received the same day
27. at midnight. When on the following Tuesday parliament came together, the speech of the king was confused, the debates in the two houses augured an impending change in the opinion of parliament, and the majority of the ministry was reduced to eighty-seven. A fortnight later the motion of Sir James Lowther to give up "all further attempts to reduce

the revolted colonies" was well received by the members from the country, and the majority of the ministry after a very long and animated debate dwindled to forty-one. The city of London entreated the king to put an end to "this unnatural and unfortunate war." Such, too, was the wish of public meetings in Westminster, in Southwark, and in the counties of Middlesex and Surrey.

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The house of commons employed the recess in grave reflection. The chimes of the Christmas bells had hardly died away when the king wrote as stubbornly as ever: "No difficulties can get me to consent to the getting of peace at the expense of a separation from America."

Yet Lord George Germain was compelled to retire ingloriously from the cabinet. It was sought to palliate his disgrace with a peerage; but as he crossed the threshold of the house of lords, he was met by the unsparing reprobation of his career of cowardice, and blindly selfish incapacity.

CHAPTER XXVI.

ENGLAND REFUSES TO CONTINUE THE AMERICAN WAR.

1782.

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7.

THE campaign in Virginia being finished, Washington and the eastern army were cantoned for the winter in their old positions around New York; Wayne, with the Pennsylvania line, marched to the south to re-enforce Greene; the French under Rochambeau encamped in Virginia; and de Grasse took his fleet to the West Indies. From Philadelphia, Robert R. Livingston, the first American secretary for foreign affairs, communicated to Franklin the final instructions for negotiating peace; and the firm tone of Franklin's reply awakened new hopes in congress.

While the conditions of peace were under consideration, America obtained an avowed friend in the Dutch republic. John Adams had waited more than eight months for an audience of reception, unaided even indirectly by the French ambassador at the Hague, because interference would have pledged

France too deeply to the support of the United Provinces, whose complicated form of government promised nothing but embarrassment to an ally. Encouraged by the success at Yorktown, on the ninth of January he presented himself to the president of the states-general, and renewing his formal request for an opportunity of presenting his credentials, "demanded a categorical answer which he might transmit to his sovereign." He next went in person to the deputies of the several cities of Holland, following the order of their rank in the confederation, and repeated his demand to each one of them. The attention of Europe was drawn to the adventurous and sturdy diplomatist, who dared alone and unsustained to initiate so bold and novel a procedure. Not one of the representatives of foreign powers at the Hague believed that it could succeed.

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9.

On the twenty-sixth of February, Friesland, famous for the spirit of liberty in its people, who had retained in their own hands the election of their regencies, declared in favor of receiving the American envoy; and its vote was the index of the opinion of the nation. A month later, the states of Holland, yielding to petitions from all the principal towns, followed the example. Zealand adhered on the fourth of April; Overijssel, on the fifth; Groningen, on the ninth; Utrecht, on the tenth; and Guelderland, on the seventeenth. On the day which chanced to be the seventh anniversary of "the battle of Lexington," their High Mightinesses, the states-general, reporting the unanimous decision of the seven provinces, resolved that John Adams should be received.

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The Dutch republic was the second power in the world to recognise the independence of the United States of America, and the act proceeded from its heroic sympathy with a young people struggling against oppression, after the example of its own ancestors. The American minister found special pleasure in being introduced to the court where the first and the third William accomplished such great things for the Protestant religion and the rights of mankind. "This country," wrote he to a friend, "appears to be more a home than any other that I have seen. I have often been to that church at Leyden, where the planters of Plymouth worshipped so many years ago, and felt a kind of veneration for the bricks and timbers."¹

The liberal spirit that was prevailing in the world pleaded for peace. The time had not come, but was coming, when health-giving truth might show herself everywhere and hope to be received. The principles on which America was founded impressed themselves even on the rescripts of the emperor of Austria, who proclaimed in his dominions freedom of religion.

If liberty was spreading through all realms, how much more should it make itself felt by the people who regarded their land as its chosen abode! It might suffer eclipse during their struggle to recover their trans-Atlantic possessions by force; but the old love of freedom, which was fixed by the habit of centuries, must once more reassert its sway. In the calm hours of the winter recess, members of the house of commons reasoned dispassionately on the war with their ancient colonists. The king having given up

¹ John Adams to Samuel Adams, 15 June, 1782.

Germain, superseded Sir Henry Clinton by the humane
 Sir Guy Carleton, and owned it impossible to propose
 great continental operations. The estimates carried
 by the ministry through parliament for America were
 limited to defensive measures, and the house could no
 longer deceive itself as to the hopelessness of the con-
 test. Accordingly on the twenty-second of February,
 1782, a motion against continuing the American war
 was made by Conway ; was supported by Fox, William
 Pitt, Barré, Wilberforce, Mahon, Burke, and Caven-
 dish ; and was negatived by a majority of but one.
 Five days later, his resolution of the same purport for
 an address to the king obtained a majority of nine-
 teen.

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The next day, Edmund Burke wrote to Franklin :
 “ I congratulate you as the friend of America ; I
 trust not as the enemy of England ; I am sure as the
 friend of mankind ; the resolution of the house of
 commons, carried in a very full house, was, I think,
 the opinion of the whole. I trust it will lead to a
 speedy peace between the two branches of the Eng-
 lish nation.”

The address to the king having been answered in
 equivocal terms, on the fourth of March Conway
 brought forward a second address, to declare that
 the house would consider as enemies to the king and
 country all those who would further attempt the
 prosecution of a war on the continent of America
 for the purpose of reducing the revolted colonies
 to obedience ; and, after a long discussion, it was
 adopted without a division. With the same una-
 nimity, leave was the next day granted to bring in a
 bill, “ enabling ” the king to make a peace or a truce

March
4.

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March

4.

with America. The bill for that purpose was accordingly brought in by the ministers; but more than two and a half months passed away before it became a law under their successors, in an amended form. Forth, who in the time of Stormont had been secretary of embassy at Paris, repaired to France as the agent of the expiring administration, to parley with Vergennes on conditions of peace, which did not essentially differ from those of Necker in a former year.

To anticipate any half-way change of ministry, Fox, in the debate of the fourth, denounced Lord North and his colleagues as "men void of honor and honesty," a coalition with any one of them as an infamy; but three days later he qualified his words in favor of Lord Thurlow. In the majesty of upright intention, William Pitt, now in his great days, which were the days of his youth, stood aloof from all intrigue, saying: "I cannot expect to take any share in a new administration, and I never will accept a subordinate situation." The king toiled earnestly to retard the formation of a ministry till he could bring Rockingham to accept conditions, but the house of commons would brook no delay. On the twentieth, more members appeared than on any occasion thus far during that reign, and the crowds of spectators were unprecedented. Lord North, having a few days before narrowly escaped a vote of censure, rose at the same moment with a member who was to have moved a want of confidence in the ministers. The two parties in the house shouted wildly the names of their respective champions. The speaker hesitated; when Lord North, taking the floor on a question of order, with good temper but

visible emotion, announced that his administration was at an end.

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The outgoing ministry was the worst which England had known since parliament had been supreme. "Such a bunch of imbecility," said the author of "Taxation no Tyranny," and he might have added, of corruption, "never disgraced the country;" and he has left on record that he "prayed and gave thanks" when it was dissolved. Posterity has been towards Lord North more lenient and less just. America gained, through his mismanagement, independence, and could bear him no grudge. In England, no party claimed him as their representative, or saw fit to bring him to judgment; so that his scholarship, his unruffled temper, the purity of his private life, and good words from Burns, from Gibbon, and more than all from Macaulay, have retained for him among his countrymen a better repute as minister than he deserved.

The people were not yet known in parliament as a power; and outside of them three groups only could contribute members to an administration. The new tory or conservative party, toward which the part of the whigs represented by Portland and Burke were gravitating, had at that time for its most conspicuous and least scrupulous defender the chancellor, Lord Thurlow. The followers of Lord Chatham, of whom it was the cardinal principle that the British constitution recognises a king and a people, no less than a hereditary aristocracy, and that to prevent the overbearing weight of that aristocracy the king should sustain the liberties of the people, owned Lord Shelburne as their standard-bearer. In point of years, experience, philosophic culture, and supe-

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riority to ambition as a passion, he was their fittest leader, though he had never enjoyed the intimate friendship of their departed chief. It was he who reconciled George the Third to the lessons of Adam Smith, and recommended them to the younger Pitt, through whom they passed to Sir Robert Peel; but his habits of study, and his want of skill in parliamentary tactics, had kept him from political connections as well as from political intrigues. His respect for the monarchical element in the British constitution invited the slander, that he was only a counterfeit liberal, at heart devoted to the king; but in truth he was very sincere. His reputation has comparatively suffered with posterity, for no party has taken charge of his fame. Moreover, being more liberal than his age, his speeches sometimes had an air of ambiguity, from his attempt to present his views in a form that might clash as little as possible with the prejudices of his hearers. The third set was that of the old whigs, which had governed England from the revolution till the coming in of George the Third, and which deemed itself invested with a right to govern for ever. Its principle was the paramount power of the aristocracy; its office, as Rockingham expressed it, "to fight up against king and people." They claimed to be liberal, and many of them were so; but they were more willing to act as the trustees of the people, than with the people and by the people. Like the great Roman lawyers, the best of them meant to be true to their clients, but never respected them as their equals. An enduring liberal government could at that time be established in England only by a junction of the party then represented by Shelburne and

the liberal wing of the supporters of Rockingham. Such a union Chatham for twenty years had striven to bring about.

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The king kept his sorrows as well as he could pent up in his own breast, but his mind was "truly torn to pieces" by the inflexible resolve of the house of commons to stop the war in America. He blamed them for having lost the feelings of Englishmen. Moreover, he felt keenly "the cruel usage of all the powers of Europe," of whom every one adhered to the principles of the armed neutrality, and every great one but Spain desired the perfect emancipation of the United States. The day after the ministry announced its retirement, he proposed to the Earl of Shelburne to take the administration with Thurlow, Gower, and Weymouth, Camden, Grafton, and Rockingham. This Shelburne declined as "absolutely impracticable," and from an equal regard to the quiet of the sovereign and the good of the country he urged that Rockingham might be sent for. The king could not prevail with himself to accept the advice, and he spoke discursively of his shattered health, his agitation of mind, his low opinion of Rockingham's understanding, his horror of Charles Fox, his preference of Shelburne as compared to the rest of the opposition. For a day he contemplated calling in a number of principal persons, among whom Rockingham might be included; and when the many objections to such a measure were pointed out, he still refused to meet Rockingham face to face, and could not bring himself further than to receive him through the intervention of Shelburne.

22.

In this state of things the latter consented to be the bearer of a message from the king, but only on

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the condition of "full power and full confidence;" a clear approval at first setting out of every engagement to which he stood already committed as to men and as to measures; and authority to procure "the assistance and co-operation of the Rockinghams, cost what it would, more or less." "Necessity," relates the king, "made me yield to the advice of Lord Shelburne." Thus armed with the amplest powers, the mediator fulfilled his office. Before accepting the offer of the treasury, Rockingham, not neglecting two or three minor matters, made but one great proposition, that there should be "no veto to the independence of America." The king, though in bitterness of spirit, consented in writing to the demand. "I was thoroughly resolved," he says of himself, "not to open my mouth on any negotiation with America."

In constructing his ministry, Rockingham wisely composed it of members from both fractions of the liberal party. His own connection was represented by himself, Fox, Cavendish, Keppel, and Richmond; but he also retained as chancellor Thurlow, who bore Shelburne malice, and had publicly received the glowing eulogies of Fox. Shelburne took with him into the cabinet Camden; and, as a balance to Thurlow, the great lawyer Dunning, raising him to the peerage as Lord Ashburton. Conway and Grafton might be esteemed as neutral, having both been members alike of the Rockingham and the Chatham administrations. Men of the next generation asked why Burke was offered no seat in the cabinet. The new tory party would give power to any man, however born, that proved himself a bulwark to their fortress; the old whig party reserved the highest places for those

cradled in the purple. "I have no views to become a minister," Burke said; "nor have I any right to such views. I am a man who have no pretensions to it from fortune;" and he was more than content with the rich office of paymaster for himself, and lucrative places for his kin.

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Franklin in Paris had watched the process of the house of commons in condemning the war, and knew England so well as to be sure that Lord Shelburne must be a member of the new administration. Already on the twenty-second, he seized the opportunity of a traveller returning to England to open a correspondence with his friend of many years, assuring him of the continuance of his own ancient respect for his talents and virtues, and congratulating him on the returning good disposition of his country in favor of America. "I hope," continued he, "it will tend to produce a general peace, which I am sure your lordship, with all good men, desires; which I wish to see before I die; and to which I shall with infinite pleasure contribute everything in my power." In this manner began the negotiation which was to bring a breathing time to the world.

Franklin had rightly divined the future, and his overture arrived most opportunely. Shelburne, as the elder secretary of state, having his choice, elected the home department, which then included America; so that he had by right the direction of all measures relating to the United States. On the fourth of April, he instructed Sir Guy Carleton to proceed to New York with all possible expedition; and he would not suffer Arnold to return to the land which he had

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bargained to betray. On the same day he had an interview with Laurens, then in England, as a prisoner on parole ; and having learned of him the powers of the American commissioners, before evening he selected for his diplomatic agent with them Richard Oswald of Scotland. The king, moved by the acceptable part which Shelburne had "acted in the whole negotiation for forming the present administration," departed from his purpose of total silence, and gave his approval, alike to the attempt "to sound Mr. Franklin," and to the employment of Oswald, who had passed many years in America, understood it well, on questions of commerce agreed with Adam Smith, and engaged in the business disinterestedly. By him, writing as friend to friend, Shelburne answered the overture of Franklin in a letter, which is the key to the treaty that followed.

"London, 6 April, 1782. Dear Sir, I have been favored with your letter, and am much obliged by your remembrance. I find myself returned nearly to the same situation which you remember me to have occupied nineteen years ago ; and I should be very glad to talk to you as I did then, and afterwards in 1767, upon the means of promoting the happiness of mankind, a subject much more agreeable to my nature than the best concerted plans for spreading misery and devastation. I have had a high opinion of the compass of your mind, and of your foresight. I have often been beholden to both, and shall be glad to be so again, as far as is compatible with your situation. Your letter, discovering the same disposition, has made me send to you Mr. Oswald. I have had a longer acquaintance with him than even with you. I

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believe him an honorable man, and, after consulting some of our common friends, I have thought him the fittest for the purpose. He is a pacifical man, and conversant in those negotiations which are most interesting to mankind. This has made me prefer him to any of our speculative friends, or to any person of higher rank. He is fully apprised of my mind, and you may give full credit to any thing he assures you of. At the same time, if any other channel occurs to you, I am ready to embrace it. I wish to retain the same simplicity and good faith which subsisted between us in transactions of less importance. Shelburne."

With this credential, Oswald repaired to Paris by way of Ostend. Laurens, proceeding to the Hague, found Adams engrossed with the question of his reception as minister in Holland, to be followed by efforts to obtain a loan of money for the United States, and to negotiate a treaty of commerce and a triple alliance. Besides, believing that Shelburne was not in earnest, he was willing to wait till the British nation should be ripe for peace. In this manner, the American negotiation was left in the hands of Franklin alone.

CHAPTER XXVII.

ROCKINGHAM'S MINISTRY ASSENTS TO AMERICAN INDEPENDENCE.

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THE hatred of America as a self-existent state became every day more intense in Spain from the desperate weakness of her authority in her transatlantic possessions. Her rule was dreaded in them all; and, as even her allies confessed, with good reason. The seeds of rebellion were already sown in the vice-royalties of Buenos Ayres and Peru; and a union of Creoles and Indians might prove at any moment fatal to metropolitan dominion. French statesmen were of opinion that England, by emancipating Spanish America, might indemnify itself for all loss from the independence of a part of its own colonial empire; and they foresaw in such a revolution the greatest benefit to the commerce of their own country. Immense naval preparations had been made by the Bourbons for the conquest of Jamaica, but now from the fear of spreading the love of change Florida Blanca suppressed every wish to

acquire that hated nest of contraband trade. When the French ambassador reported to him the proposal of Vergennes to constitute its inhabitants an independent republic, he seemed to hear the tocsin of insurrection sounding from the La Plata to San Francisco, and from that time had nothing to propose for the employment of the allied fleets in the West Indies. He was perplexed beyond the power of extrication. One hope only remained. Minorca having been wrested from the English, he concentrated all the force of Spain in Europe on the one great object of recovering Gibraltar, and held France to her promise not to make peace until that fortress should be given up.

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With America, therefore, measures for a general peace must begin. As the pacification of the late British dependencies belonged exclusively to the department of Lord Shelburne, the other members of the cabinet should have respected his right. As a body, they did so; but Fox, leagued with young men as uncontrollable as himself, resolved to fasten a quarrel upon him, and to get into his own hands every part of the negotiations for peace. At a cabinet meeting on the twelfth of April, he told Shelburne and those who sided with him, that he was determined to bring the matter to a crisis; and on the same day he wrote to one of his young friends: "They must yield entirely. If they do not, we must go to war again; that is all: I am sure I am ready." Oswald at the time was on his way to Paris, where on the sixteenth he went straightway to Franklin. The latter, speaking not his own opinion only, but that of congress and of every one of his associate

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commissioners, explained that the United States could not treat for peace with Great Britain unless it was also intended to treat with France; and, though Oswald desired to keep aloof from European affairs, he allowed himself to be introduced by Franklin to Vergennes, who received with pleasure assurances of the good disposition of the British king, reciprocated them on the part of his own sovereign, and invited an offer of its conditions. He wished America and France to treat directly with British plenipotentiaries, each for itself, the two negotiations to move on with equal step, and the two treaties to be simultaneously signed.

From Amsterdam, John Adams questioned whether, with Canada and Nova Scotia in the hands of the English, the Americans could ever have a real peace. In a like spirit, Franklin intrusted to Oswald "Notes for Conversation," in which the voluntary cession of Canada was suggested as the surety "of a durable peace and a sweet reconciliation." At the same time he replied to his old friend Lord Shelburne: "I desire no other channel of communication between us than that of Mr. Oswald, which I think your lordship has chosen with much judgment. He will be witness of my acting with all the sincerity and good faith which you do me the honor to expect from me; and if he is enabled when he returns hither to communicate more fully your lordship's mind on the principal points to be settled, I think it may contribute much to the blessed work our hearts are engaged in."

Another great step was taken by Franklin. He excluded Spain altogether from the American negotiation. Entreating Jay to come to Paris, he wrote:

“Spain has taken four years to consider whether she should treat with us or not. Give her forty, and let us in the mean time mind our own business.”

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On the twenty-third, shortly after the return of Oswald to London, the cabinet on his report agreed to send him again to Franklin to acquaint him of their readiness to treat for a general peace, and at Paris, conceding American independence, but otherwise maintaining the treaties of 1763. On the twenty-eighth, Shelburne, who was in earnest, gave to his agent the verbal instruction: “If America is independent, she must be so of the whole world, with no ostensible, tacit, or secret connection with France.” Canada could not be ceded. It was “reasonable to expect a free trade, unencumbered with duties, to every part of America.” “All debts due to British subjects were to be secure, and the loyalists to be restored to a full enjoyment of their rights and privileges.” As a compensation for the restoration of New York, Charleston, and Savannah, the river Penobscot might be proposed for the eastern boundary of New England. “Finally,” he said, “tell Dr. Franklin candidly and confidentially Lord Shelburne’s situation with the king; that his lordship will make no use of it but to keep his word with mankind.” With these instructions, Oswald returned immediately to Paris, bearing from Shelburne to Franklin a most friendly letter, to which the king had given his thorough approval.

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With the European belligerents the communication was necessarily to proceed from the department of which Fox was the chief. He entered upon the business in a spirit that foreboded no success, for, at

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the very moment of his selection of an emissary, he declared that he did not think it much signified how soon he should break up the cabinet. The person of whom he made choice to treat on the weightiest interests with the most skilful diplomatist of Europe was Thomas Grenville, one of his own partisans, who was totally ignorant of the relations of America to France, and very young, with no experience in public business, having a very scant knowledge of the foreign relations of his own country.

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Arriving in Paris on the eighth of May, Grenville delivered to Franklin a most cordial letter of introduction from Fox, and met with the heartiest welcome. After receiving him at breakfast, Franklin took him in his own carriage to Versailles; and there the dismissed postmaster-general for America, at the request of the British secretary of state, introduced the son of the author of the American stamp act as the British plenipotentiary to the minister for foreign affairs of the Bourbon king. Statesmen at Paris and Vienna were amused on hearing that the envoy of the "rebel" colonies was become "the introducer" of the representatives of Great Britain at the court of Versailles.

Vergennes received Grenville most cordially as the nephew of an old friend, but smiled at his offer to grant to France the independence of the United States, and Franklin refused to accept at second hand that independence which his country had already won. Grenville remarked that the war had been provoked by encouragement from France to the Americans to revolt; to which Vergennes answered with warmth that France had found and not

made America independent, and that American independence was not the only cause of the war. On the next day, Grenville, unaccompanied by Franklin, met Vergennes and de Aranda, and offered peace on the basis of the independence of the United States and the treaty of 1763. "That treaty," said Vergennes, "I can never read without a shudder. The king, my master, cannot in any treaty consider the independence of America as ceded to him. To do so would be injurious to the dignity of his Britannic Majesty." The Spanish ambassador urged with vehemence, that the griefs of the king of Spain were totally distinct from the independence of America.

With regard to America, the frequent conversations of the young envoy with Franklin, who received him with constant hospitality, cleared up his views. It was explained to him with precision that the United States were free from every sort of engagement with France except those contained in the public treaties of commerce and alliance. Grenville asked if these obligations extended to the recovery of Gibraltar for Spain; and Franklin answered: "It is nothing to America who has Gibraltar." But Franklin saw in Grenville a young statesman ambitious of recommending himself as an able negotiator; in Oswald, a man who free from interested motives earnestly sought a final settlement of all differences between Great Britain and America. To the former he had no objection, but he would have been loath to lose the latter; and, before beginning to treat of the conditions of peace, he wrote to Shelburne his belief that the "moderation, prudent counsels, and sound judgment of Oswald might contribute much not only to the speedy con-

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clusion of a peace, but to the framing of such a peace as may be firm and lasting." The king, as he read the wishes of Franklin, which were seconded by Vergennes, "thought it best to let Oswald remain at Paris," saying that "his correspondence carried marks of coming from a man of sense."

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While Oswald came to London to make his second report, news that better reconciled the English to treat for peace arrived from the Caribbean islands. The fleet of de Grasse in 1781, after leaving the coast of the United States, gave to France the naval ascendancy in the West Indies. St. Eustatius was recaptured, and generously restored to the United Provinces. St. Christopher, Nevis, and Montserrat were successively taken. On the nineteenth of February, 1782, Rodney reappeared at Barbadoes with a re-enforcement of twelve sail, and in the next week he effected a junction with the squadron of Hood to the leeward of Antigua. To cope with his great adversary, de Grasse, who was closely watched by Rodney from St. Lucia, must unite with the Spanish squadron. For that purpose, on the eighth of April he turned his fleet out of Fort Royal in Martinique; and with only the advantage of a few hours over the British he ran for Hispaniola. On the ninth, a partial engagement took place near the island of Dominique. At daylight on the twelfth, Rodney by skilful manœuvres drew near the French in the expanse of waters that lies between the islands of Guadeloupe, the Saintes, and Marie Galante. The sky was clear, the sea quiet; the trade-wind blew lightly, and, having the advantage of its unvarying breeze, Rodney made the signal for attack. The British had

thirty-six ships; the French, with a less number, excelled in the weight of metal. The French ships were better built; the British in superior repair. The complement of the French crews was the more full, but the British mariners were better disciplined. The fight began at seven in the morning, and without a respite of seven minutes it continued for eleven hours. The French handled their guns well at a distance, but in close fight there was a want of personal exertion and presence of mind. About the time when the sun was at the highest, Rodney cut the line of his enemy; and the battle was continued in detail, all the ships on each side being nearly equally engaged. The "Ville de Paris," the flag-ship of de Grasse, did not strike its colors till it was near foundering, and only three men were left unhurt on the upper deck. Four other ships of his fleet were captured; one sunk in the action.

On the side of the victors about one thousand were killed or wounded: of the French, thrice as many; for their ships were crowded with over five thousand land troops, and the fire of the British was rapid and well aimed. The going down of the sun put an end to the battle, and Rodney neglected pursuit. Just at nightfall, one of the ships of which the English had taken possession blew up. Of the poor wretches who were cast into the sea some clung to bits of the wreck; the sharks, of which the fight had called together shoals from the waters round about, tore them all off, and even after the carnage of the day could hardly be glutted.

The feeling of having recovered the dominion of the sea reconciled England to the idea of peace. On

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the eighteenth of May, the day on which tidings of the victory were received, the cabinet agreed to invite proposals from Vergennes. Soon after this came a letter from Grenville, in which he argued that, as America had been the road to war with France, so it offered the most practicable way of getting out of it; and the cabinet agreed to a minute almost in his words "to propose the independency of America in the first instance, instead of making it a condition of a general treaty." The proposition in the words of Fox was accepted by Shelburne, was embodied by him in his instructions to Sir Guy Carleton at New York, and formed the rule of action for Oswald on his return, with renewed authority, to Paris. Independence was, as the king expressed it, "the dreadful price now offered to America" for peace.

A commission was forwarded to Grenville by Fox to treat with France, but with no other country; yet he devoted nearly all his letter of instructions to the relations with America, showing that in a negotiation for peace the United States ought not to be encumbered by a power like Spain, "which had never assisted them during the war, and had even refused to acknowledge their independence."

When Grenville laid before Vergennes his credentials, he received the answer that they were very insufficient, as they did not enable him to treat with Spain and America, the allies of France; or with the Netherlands, her partner in the war. Repulsed at Versailles, Grenville took upon himself to play the plenipotentiary with America; on the fourth of June he confided to Franklin the minute of the cabinet,

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and hoped to draw from him in return the American conditions for a separate peace. But Franklin would not unfold the American conditions to a person not authorized to receive them. Irritated by this "unlucky check," by which, as he thought, his hopes of a great diplomatic success were "completely annihilated," he made bitter and passionate and altogether groundless complaints of Oswald. He would have Fox not lose one moment to fight the battle with advantage against Shelburne, and to take to himself the American business by comprehending all in one.

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Though Fox had given up all present hope of making peace, he enlarged the powers of Grenville so as to include any potentate or state then at war with Great Britain; and he beat about for proofs of Shelburne's "duplicity of conduct," resolved, if he could but get them, to "drive to an open rupture."

Under his extended powers, Grenville made haste to claim the right to treat with America; but, when questioned by Franklin, he was obliged to own that he was acting without the sanction of parliament. Within twenty-four hours of the passing of the enabling act, the powers for Oswald as a negotiator of peace with the United States were begun upon and were "completely finished in the four days following;" but, on the assertion of Fox that they would prejudice everything then depending in Paris, they were delayed. Fox then proposed that America, even without a treaty, should be recognised as an independent power. Had he prevailed, the business of America must have passed from the home department to that for foreign affairs; but, after full reflec-

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tion, the cabinet decided "that independence should in the first instance be allowed as the basis to treat on." Professing discontent, "Fox declared that his part was taken to quit his office."¹

The next day Lord Rockingham expired. His ministry left great memorials of its short career. Through the mediation of Shelburne, it forced the king to treat for peace with the United States on the basis of their independence. The success of America brought emancipation to Ireland, which had suffered even more than the United States from colonial monopoly. Its volunteer army, commanded by officers of its own choice, having increased to nearly fifty thousand well-armed men, united under one general-in-chief, the viceroy reported that, "unless it was determined that the knot which bound the two countries should be severed for ever," the points required by the Irish parliament must be conceded.² Fox would rather have seen Ireland totally separated than kept in obedience by force. Eden, one of Lord North's commissioners in America in 1778, and lately his secretary for Ireland, was the first in a moment of ill-humor to propose the repeal of the act of George the First, which asserted the right of the parliament of Great Britain to make laws to bind the people and the kingdom of Ireland; and after reflection the ministry of Rockingham adopted and carried the measure. Appeals from the courts of law in Ireland to the British house of peers were abolished; the restraint on independent legislation was done away with; and Ireland, owning allegiance to the same king as Great Britain, obtained the inde-

¹ Grafton's *Memoirs*.² Froude's *Ireland*, ii. 337.

pendence of its own parliament. These were the first-fruits of the American revolution. The Irish owed the vindication of their rights to the United States; but at the time the gratitude of the nation took the direction of loyalty to their king, and their legislature voted one hundred thousand pounds sterling for the levy of twenty thousand seamen.

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During the ministry of Rockingham, the British house of commons for the first time since the days of Cromwell seriously considered the question of a reform in the representation of Great Britain. The author of the proposition was William Pitt, then without office, but the acknowledged heir of the principles of Chatham. The resolution of inquiry was received with ill-concealed repugnance by Rockingham. Its support by Fox was lukewarm, and bore the mark of his aristocratic connections. Edmund Burke, in his fixed opposition to reform, was almost beside himself with passion, and was with difficulty persuaded to remain away from the debate. The friends of Shelburne, on the contrary, gave to the motion their cordial support; yet by the absence and opposition of many of the Rockingham connection the question on this first division in the house of commons upon the state of the representation in the British parliament was lost, though only by a majority of twenty. The freedom of Ireland and the hopes of reform in the British parliament itself went hand in hand with the triumph of liberty in America.

The accession of a liberal ministry revived in Frederic of Prussia his old inclination to friendly relations with England. The empress of Russia now

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included the government in her admiration of the British people; and Fox on his side, with the consent of the ministry but to the great vexation of the king, accepted her declaration of the maritime rights of neutrals. But for the moment no practical result followed; for the cabinet, as the price of their formal adhesion to her code, demanded her alliance.

CHAPTER XXVIII.

SHELburnE OFFERS PEACE.

JULY, AUGUST, 1782.

ON the death of Rockingham, the king offered to <sup>CHAP.
XXVIII.</sup> Shelburne by letter "the employment of first lord of the treasury, and with it the fullest political confidence." "Indeed," added the king, "he has had ample sample of it by my conduct towards him since his return to my service." No British prime-minister had professed more liberal principles. He wished a liberal reform of the representation of the people of Great Britain in parliament. Far from him was the thought that the prosperity of America could be injurious to England. He regarded neighboring nations as associates ministering to each other's prosperity, and wished to form with France treaties of commerce as well as of peace. But Fox, who was entreated to remain in the ministry as secretary of state, with a colleague of his own choosing and an ample share of power, set up against him the narrow-minded Duke of Portland, under whose name the old aristocracy was to rule parliament, king, and people. To gratify the violence of his headstrong

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pride and self-will, he threw away the glorious opportunity of endearing himself to mankind by granting independence to the United States and restoring peace to the world, and struck a blow at liberal government in his own country from which she did not recover in his lifetime.

The old whig aristocracy was on the eve of dissolution. In a few years, those of its members who, like Burke and the Duke of Portland, were averse to shaking the smallest particle of the settlement at the revolution, were to merge themselves in the new tory or conservative party: the rest adopted the principle of reform; and when they began to govern, it was with the principles of Chatham and Shelburne. For the moment, Fox, who was already brooding on a coalition with the ministry so lately overthrown, insisted with his friends that Lord Shelburne was as fully devoted to the court as Lord North in his worst days. But the latter, contrary to his own judgment and political principles, had persisted in the American war to please the king; the former accepted power only after he had brought the king to consent to peace with independent America.

The vacancies in the cabinet were soon filled up. For the home department the choice of the king fell on William Pitt, who had not yet avowed himself in parliament for American independence, and who was in little danger of "becoming too much dipped in the wild measures" of "the leaders of sedition;" but it was assigned to the more experienced Thomas Townshend, who had ever condemned the violation of the principles of English liberty in the administration of British colonies in America. Pitt, at three and twenty

years old, became chancellor of the exchequer; the seals of the foreign office were intrusted to Lord Grantham.

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In the house of commons, Fox made on the ninth of July his self-defence, which, in its vagueness and hesitation, betrayed his consciousness that he had no ground to stand upon. In the debate, Conway said with truth that eagerness for exclusive power was the motive of Fox, between whom and Shelburne the difference of policy for America was very immaterial; that the latter, so far from renewing the old, exploded politics, had been able to convince his royal master that a declaration of its independence was, from the situation of the country and the necessity of the case, the wisest and most expedient measure that government could adopt. Burke called heaven and earth to witness the sincerity of his belief that "the ministry of Lord Shelburne would be fifty times worse than that of Lord North," declaring that "his accursed principles were to be found in Machiavel, and that but for want of understanding he would be a Catiline or a Borgia." "Shelburne has been faithful and just to me," wrote Sir William Jones to Burke, deprecating his vehemence: "the principles which he has professed to me are such as my reason approved." "In all my intercourse with him, I never saw any instance of his being insincere," wrote Franklin, long after Shelburne had retired from office. On the tenth, Shelburne said in the house of lords: "I stand firmly upon my consistency. I never will consent that a certain number of great lords should elect a prime-minister who is the creature of an aristocracy, and is

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vested with the plenitude of power, while the king is nothing more than a pageant or a puppet. In that case, the monarchical part of the constitution would be absorbed by the aristocracy, and the famed constitution of England would be no more. The members of the cabinet can vouch that no reason, relative to the business of America, has been assigned or even hinted for the late resignations. The principle laid down relative to peace with America has not in the smallest degree been departed from. Nothing is farther from my intention than to renew the war in America; the sword is sheathed never to be drawn there again."

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On the day on which Fox withdrew from the ministry, Shelburne, who now had liberty of action, wrote these instructions to Oswald: "I hope to receive early assurances from you that my confidence in the sincerity and good faith of Dr. Franklin has not been misplaced, and that he will concur with you in endeavoring to render effectual the great work in which our hearts and wishes are so equally interested. We have adopted his idea of the method to come to a general pacification by treating separately with each party. I beg him to believe that I can have no idea or design of acting towards him and his associates but in the most open, liberal, and honorable manner."

Franklin, on his part, lost not a day in entering upon definitive negotiations for peace. From his long residence in England he knew exactly the relations of its parties and of its public men; of whom the best were his friends. He was aware how precarious was the hold of Shelburne on power; and he

made all haste to bring about an immediate pacification. On the tenth of July, in his own house and at his own invitation, he had an interview with Oswald, and proposed to him the American conditions of peace. The articles which could not be departed from were: Independence full and complete in every sense to the thirteen states, and all British troops to be withdrawn from them; for boundaries, the Mississippi, and on the side of Canada as they were before the Quebec act of 1774; and, lastly, a freedom of fishing off Newfoundland and elsewhere as in times past.

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Having already explained that nothing could be done for the loyalists by the United States, as their estates had been confiscated by laws of particular states which congress had no power to repeal, he further demonstrated that Great Britain had forfeited every right to intercede for them by its conduct and example; to which end he read to Oswald the orders of the British in Carolina for confiscating and selling the lands and property of all patriots under the direction of the military; and he declared definitively that, though the separate governments might show compassion where it was deserved, the American commissioners for peace could not make compensation of refugees a part of the treaty.

Franklin recommended, but not as an ultimatum, a perfect reciprocity in regard to ships and trade. He further directed attention to the reckless destruction of American property by the British troops, as furnishing a claim to indemnity which might be set off against the demands of British merchants and of American loyalists. He was at that time employed on a treaty of reimbursement to France by the United

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States for its advances of money; and he explained to Oswald, as he had before done to Grenville, the exact nature and the limits of the obligations of America to France for loans of which the debt and interest would be paid.

The interview closed with the understanding by Oswald that Franklin was ready to sign the preliminary articles of the treaty so soon as they could be agreed upon. The negotiation was opened and kept up with the knowledge and at the wish of Vergennes; but everything relating to the conditions of peace was withheld from him to the last.

So soon as Shelburne saw a prospect of a general pacification, of which he reserved the direction to himself, Fitzherbert, a diplomatist of not much experience and no great ability, was transferred from Brussels to Paris, to be the channel of communication with Spain, France, and Holland. He brought with him a letter of recommendation to Franklin from Grantham, who expressed his desire to merit Franklin's confidence, and from Townshend, who declared himself the zealous friend to peace upon the fairest and most liberal terms.

While the commission and instructions of Oswald were preparing, Shelburne, who best understood American affairs, accepted the ultimatum of Franklin in all its branches; only, to prevent the bickerings of fishermen, and to respect public opinion in England, he refused the privilege of drying fish on the island of Newfoundland.

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On the twenty-seventh, Shelburne replied to Oswald: "Your several letters give me the greatest satisfaction, as they contain unequivocal proofs of Dr. Frank-

lin's sincerity and confidence in those with whom he treats. It will be the study of his Majesty's ministers to return it by every possible cordiality. There never have been two opinions since you were sent to Paris upon the acknowledgment of American independency, to the full extent of all the resolutions of the province of Maryland, enclosed to you by Dr. Franklin. But, to put this matter out of all possibility of doubt, a commission will be immediately forwarded to you containing full powers to treat and to conclude, with instructions from the minister who has succeeded to the department which I lately held, to make the independency of the colonies the basis and preliminary of the treaty now depending and so far advanced that, hoping as I do with you that the articles called advisable will be dropped and those called necessary alone retained as the ground of discussion, it may be speedily concluded. You very well know I have never made a secret of the deep concern I feel in the separation of countries united by blood, by principles, habits, and every tie short of territorial proximity. But I have long since given it up, decidedly though reluctantly; and the same motives which made me perhaps the last to give up all hope of reunion make me most anxious, if it is given up, that it shall be done so as to avoid all future risk of enmity and lay the foundation of a new connection, better adapted to the temper and interest of both countries. In this view I go further with Dr. Franklin perhaps than he is aware of, and further, perhaps, than the professed advocates of independence are prepared to admit. I consider myself as pledged to the contents of this letter.

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You will find the ministry united, in full possession of the king's confidence, and thoroughly disposed to peace if it can be obtained upon reasonable terms."

The commission to Oswald, which followed in a few days, conformed to the enabling act of parliament. The king pledged his name and word to ratify and confirm whatever might be concluded between him and the American commissioners; "our earnest wish for peace," such were the words of instruction under the king's own hand, "disposing us to purchase it at the price of acceding to the complete independence of the thirteen states." The merit of closing the murderous scenes of a war between men of the same kindred and language, by moderation, superiority to prejudice, a true desire of conciliation, an unreluctant concession to America of her natural advantages, together with a skilful plan through free-trade to obtain by commerce an immense compensation for the loss of monopoly and jurisdiction, is among British statesmen due to Shelburne. The initiating of the negotiation, equal sincerity, benignity of temper, an intuitive and tranquil discernment of things as they were, wisdom which never spoke too soon and never waited too long, belonged to Franklin, who had proceeded alone to the substantial conclusion of the peace.

At this moment, when the treaty seemed to need only to be drafted in form and signed, Jay, having arrived in Paris and recovered from illness, stayed all progress. Before treating for peace, he said, the independence of the United States ought to be acknowledged by act of parliament, and the British troops withdrawn from America. But parliament

was not in session, and was, moreover, the most dangerous body to which America could have appealed. Receding from this demand, Jay proposed a proclamation of American independence under the great seal; but this also he yielded.

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In America, Jay had been an enthusiast for the triple alliance between France, Spain, and the United States; had been moderate in his desire for territory; and on fifteen divisions in congress had given his vote against making the fisheries a condition of peace. As a consequence, all the influence of the French minister in Philadelphia had been used in congress to promote his election as minister to Spain and as a commissioner for treating of peace. His illusions as to Spain having been very rudely dispelled, he passed from too great confidence to too general mistrust.

The commission to Oswald spoke of the colonies and plantations of New Hampshire, Massachusetts, and the rest, naming them one by one; and Oswald was authorized to treat with the American commissioners under any title which they should assume, and to exchange with them plenipotentiary powers. Vergennes, who was anxious that there might be no impediment to a general peace, urged upon Jay that the powers of Oswald were sufficient, saying: "This acceptance of your powers, in which you are styled commissioners from the United States of America, will be a tacit confession of your independence." Franklin had made no objection to the commission, and still believed that it "would do." To Franklin, Jay made the remark: "The count does not wish to see our independence acknowledged by Britain until

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 1782. shortest way of defeating such a plan was to proceed
 Aug. at once to frame the treaty of peace with England.

Franklin saw with dismay how fast the sands of
 Sept. 1. Shelburne's official life were running out, and that
 with his removal the only chance of a favorable peace
 now so nearly concluded would be lost; but his advice
 brought upon him the suspicions of Jay. Oswald
 not only communicated a copy of his commission,
 but a part of his instructions and a letter from
 the secretary of state, promising in the king's name
 to grant to America "full, complete, and uncondi-
 tional independence in the most explicit manner as
 an article of treaty." But Jay "positively refused
 to treat with Oswald under his commission;" so
 that the negotiation was wholly suspended and put
 to the greatest hazard.

It was time for the war in America to come
 to an end. British parties, under leaders selected
 from the most brutal of mankind, were scouring the
 interior of the southern country, robbing, destroying,
 and taking life at their pleasure. "On the twelfth
 March 12. of March," writes David Fanning, the ruffian leader
 of one of these bands, "my men being all properly
 equipped, assembled together to give the rebels a
 small scourge, which we set out for." They came
 upon the plantation of Andrew Balfour, of Randolph
 county, who had been a member of the North Caro-
 lina assembly, and held a commission in the militia.
 Breaking into his house, they fired at him in the
 presence of his sister and daughter, the first ball
 passing through his body, the second through his
 neck. On their way to another militia officer, they

“burned several rebel houses.” It was late before they got to the abode of the officer, who made his escape, receiving three balls through his shirt. They destroyed the whole of his plantation. Reaching the house of “another rebel officer,” “I told him,” writes Fanning, “if he would come out of the house I would give him parole, which he refused. With that I ordered the house to be set on fire. As soon as he saw the flames increasing, he called out to me to spare his house for his wife’s and children’s sake, and he would walk out with his arms in his hands. I answered him that, if he would walk out, his house should be spared for his wife and children. When he came out, he said: ‘Here I am;’ with that he received two balls through his body. I proceeded on to one Major Dugin’s plantation, and I destroyed all his property, and all the rebel officers’ property in the settlement for the distance of forty miles. On our way, I caught a commissary from Salisbury and delivered him up to some of my men whom he had treated ill when prisoners, and they immediately hung him. On the eighteenth of April, I set out for Chatham, where I learned that a wedding was to be that day. We surrounded the house, and drove all out one by one. I found one concealed upstairs. Having my pistols in my hand, I discharged them both at his breast; he fell, and that night expired.”¹ Yet this Fanning held a British commission as colonel of the loyal militia in Randolph and Chatham counties, with authority to grant commissions to others as captains and subalterns; and, after the war, was recom-

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18.¹ I use Fanning’s Journal from an exact manuscript copy.

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mended by the office of American claims as a proper person to be put upon the half-pay list.

- At the north, within the immediate precincts of the authority of Clinton, Colonel James Delancy, of West Chester, caused three rebels to be publicly executed within the British lines, in a pretended retaliation for the murder of some of the refugees. In New York, the refugees were impatient that American prisoners were not at once made to suffer for treason. On the eighth of April, the directors of the Associated Loyalists ordered Lieutenant Joshua Huddy, a prisoner of war in New York, to be delivered to Captain Lippincot, and, under the pretext of an exchange, taken into New Jersey, where he was hanged by a party of loyalists on the heights of Middleton, in revenge for the death of a loyalist prisoner who had been shot as he was attempting to escape. Congress and Washington demanded the delivery of Lippincot as a murderer. Clinton, though incensed at the outrage and at the insult to his own authority and honor, refused the requisition, but subjected him to a court-martial, which condemned the deed, while they found in the orders under which he acted a loop-hole for his acquittal. Congress threatened retaliation on a British officer, but never executed the threat.

The American officers ever throughout the war set the example of humanity. The same spirit showed itself on the side of the British as soon as Shelburne became minister. Those who had been imprisoned for treason were treated henceforward as prisoners of war. Some of the ministers personally took part in relieving their distresses; and in the course of the summer six hundred of them or more were

sent to America in cartels for exchange. The arrival of Sir Guy Carleton at New York to supersede Clinton was followed by consistent clemency. He desired that hostilities of all kinds might be stayed. He treated captives always with gentleness; and some of them he set free. When Washington asked that the Carolinians who had been exiled in violation of the capitulation of Charleston might have leave to return to their native state under a flag of truce, Carleton answered that they should be sent back at the cost of the king of England; and that everything should be done to make them forget the hardships which they had endured.¹ Two hundred Iroquois, two hundred Ottawas, and seventy Chippeways came in the summer to St. Johns on the Chambly, ready to make a raid into the state of New York. They were told from Carleton to bury their hatchets and their tomahawks.

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Acting under the orders of Greene in Georgia, Wayne, by spirited manœuvres, succeeded in wresting the state from the hands of the British, obliging them to abandon post after post and redoubt after redoubt, until they were completely shut up in Savannah. A body of British cavalry and infantry went out four miles from Savannah to escort a strong party of Creeks and Choctaws into the town. In the following night, he threw himself with inferior force between them and Savannah, and, attacking them by surprise, totally defeated and dispersed them. At Sharon, five miles from Savannah, at half-past one in the morning of the twenty-fourth of June, a numerous horde of Creek warriors, headed

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21.June
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¹ Luzerne to Rayneval, 10 June, 1782.

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by their ablest chiefs and a British officer, surprised the camp of Wayne, and for a few moments were masters of his artillery. Wayne marshalled his troops, and, under a very heavy fire of small-arms and hideous yells of the savages, attacked them in front and flank with the sword and bayonet alone. The Indians resisted the onset with ferocity heightened by their momentary success. With his own hand Wayne struck down a war chief. In the morning, Erristesego, the principal warrior of the Creek nation and the bitterest enemy of the Americans, was found among the dead.

Self-reliance and patriotism revived in the rural population of Georgia; and its own civil government was restored.

July
11.

On the eleventh of July, Savannah was evacuated, the loyalists retreating into Florida, the regulars to Charleston. Following the latter, Wayne, with his small but trustworthy corps, joined the standard of Greene. His successes had been gained by troops who had neither regular food, nor clothing, nor pay.

In South Carolina, Greene and Wayne and Marion, and all others in high command, were never once led by the assassinations committed under the authority of Lord George Germain to injure the property or take the life of a loyalist, although private anger could not always be restrained. In conformity to the writs issued by Rutledge, as governor, the assembly met in January at Jacksonborough, on the Edisto. In the legislature were many of those who had been released from imprisonment, or had returned from exile. Against the advice of Gadsden, who insisted

that it was sound policy to forget and forgive, laws were passed banishing the active friends of the British government, and confiscating their estates.

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The Americans could not recover the city of Charleston by arms. The British, under the command of the just and humane General Leslie, gave up every hope of subjugating the state; and Wayne, who was "satiated of this horrid trade of blood," and would rather spare one poor savage than destroy twenty, and Greene, who longed for the repose of domestic life, strove to reconcile the Carolina patriots to the loyalists.

The complaints of Greene respecting the wants of his army were incessant and just. In January, he wrote: "Our men are almost naked for want of overalls and shirts, and the greater part of the army barefoot." In March, he repeated the same tale: "We have three hundred men without arms; twice that number so naked as to be unfit for any duty but in cases of desperation. Not a rag of clothing has arrived to us this winter. In this situation men and officers without pay cannot be kept in temper long." Moreover the legislature of South Carolina prohibited the impressing of provisions from the people, and yet neglected to furnish the troops with necessary food.

The summer passed with no military events beyond skirmishes. In repelling with an inferior force a party of the British sent to Combahee Ferry to collect provisions, Laurens, then but twenty-seven years old, received a mortal wound. "He had not a fault that I could discover," said Washington, "unless

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it were intrepidity bordering upon rashness." This was the last blood shed in the field during the war.

The wretched condition of the American army Greene attributed to the want of a union of the states. He would invest congress with power to enforce its requisitions. If this were not done, he held "it impossible to establish matters of finance upon such a footing as to answer the public demands." The first vehement impulse towards "the consolidation of the federal union" was given by Robert Morris, the finance minister of the confederation. With an exact administration of his trust, he combined, like Necker, zeal for advancing his own fortune; and he connected the reform of the confederation, which ought to have found universal approbation, with boldly speculative financial theories, that were received with doubt and resistance. His opinions on the benefit of a public debt were extravagant and unsafe. A native of England, he never held the keys to the sympathy and approbation of the American people. In May, 1781, when congress was not able to make due preparation for the campaign, he succeeded, by highly colored promises of a better administration of the national finances, and by appeals to patriotism, in overcoming the scruples of that body, and obtained from it a charter for a national bank, of which the notes, payable on demand, should be receivable as specie for duties and taxes, and in payment of dues from the respective states. The measure was carried by the votes of New Hampshire, New Jersey, Maryland, Virginia, with Madison dissenting, North and South Carolina, and Georgia, seven states: single dele-

gates from Rhode Island and Connecticut answered "ay;" but their votes were not counted, because their states were insufficiently represented. Pennsylvania was equally divided; Massachusetts alone voted against the measure.

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Before the end of the year, the opinion prevailed that the confederation contained no power to incorporate a bank; but congress had already pledged its word. As a compromise, the corporation was forbidden to exercise any powers in any of the United States repugnant to the laws or constitution of such state; and it was recommended to the several states to give to the incorporating ordinance its full operation. These requisitions Madison regarded as a tacit admission of the defect of power, an antidote against the poisonous tendency of precedents of usurpation. The capital of the bank was four hundred thousand dollars, of which Morris took one-half as an investment of the United States, paying for it in full with their money. On the seventh of January, 1782, the bank commenced its very lucrative business. The notes, though payable at Philadelphia in specie, did not command public confidence at a distance, and the corporation was able to buy up its own promises at from ten to fifteen per cent discount. A national currency having been provided for, Morris was ready to obey an order of congress to establish a mint.

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His first great measure having been carried, he threw the whole energy of his nature into the design of initiating a strong central government. He engaged the services of Thomas Paine to recommend to the people by a new confederation to confer

CHAP. competent powers on congress. To the president
 XXVIII. of congress he wrote: "No hope of praise or appre-
 1782. hension of blame shall induce me to neglect a duty
 which I owe to America at large. I disclaim a
 delicacy which influences some minds to treat the
 states with tenderness and even adulation, while
 they are in the habitual inattention to the calls
 of national interest and honor. Nor will I be de-
 terred from waking those who slumber on the brink
 of ruin. But my voice is feeble, and I must there-
 fore pray to be assisted by the voice of the United
 States in congress. Supported by them, I may, per-
 haps, do something; but, without that support, I
 must be a useless incumbrance." He was convinced
 that the raising as well as maintaining of a continen-
 tal army would be infinitely cheaper than armies of
 the states. A national navy, too, came within the
 scope of his policy.

To fund the public debt and provide for the reg-
 ular payment of the interest on it was a primary
 object with the financier; and for these ends he pro-
 posed a very moderate land-tax, a poll-tax, and an
 excise on distilled liquors. Each of these taxes was
 estimated to produce half a million; the duty of five
 per cent on imports, if the states would but consent
 to it, would produce a million more. The back lands
 were to be reserved as security for new loans in
 Europe. All these together were thought sufficient
 to establish the public credit.

The aggregate expenditures of the United States
 for the war had been at the rate of twenty millions
 of dollars in specie annually. The estimates for the
 year 1782 were for eight millions of dollars. Yet in

the first five months of the year, the sums received from the states amounted to less than twenty thousand dollars, or less than the estimated expenses for a single day, and of this sum not a shilling had been received from the eastern or the southern states. Morris prepared a vehement circular letter to the states; but, by the advice of Madison and others, it was withheld, and one congressional committee was sent to importune the states of the north, another those of the south.

It lay in the ideas of Morris to collect the taxes due to the United States by their own officers. The confederation acted only on the several states, and not on persons; yet he obtained authority by a vote of congress to appoint receivers of taxes, and for that office in New York he selected its most gifted statesman. From the siege of Yorktown, Hamilton had repaired to Albany, where he entered upon the study of the law that in summer he might be received as attorney, and in autumn as counsellor, ready meantime if the war should be renewed to take part in its dangers and in its honors. The place, which he accepted with hesitation, was almost a sinecure; but he was instructed by Morris to exert his talents with the New York legislature to forward the views of congress. He had often observed the facility with which the eastern states had met in convention to deliberate jointly on the best methods of supporting the war. He repaired to Poughkeepsie on the next meeting of the New York legislature, and explained his views on the only method by which the United States could obtain a constitution. On the nineteenth of July, Schuyler, his father-in-law, invited

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1782. the senate to take into consideration the state of the nation. On his motion, it was agreed that the general government ought to have power to provide revenue for itself, and it was resolved "that the foregoing important ends can never be attained by partial deliberations of the states separately; but that it is essential to the common welfare that there should be as soon as possible a conference of the whole on the subject; and that it would be advisable for this purpose to propose to congress to recommend, and to each state to adopt, the measure of assembling a general convention of the states, specially authorized to revise and amend the confederation, reserving a right to the respective legislatures to ratify their determinations."

These resolutions, proposed by Schuyler in the senate, were carried unanimously in both branches of the legislature; and Hamilton, who had drafted them, was elected almost without opposition one of the delegates of New York to congress. Robert Morris, who saw the transcendent importance of the act of the New York legislature, welcomed the young statesman to his new career in these words: "A firm, wise, manly system of federal government is what I once wished, what I now hope, what I dare not expect, but what I will not despair of."

Hamilton of New York thus became the colleague of Madison of Virginia. The state papers which they two prepared were equal to the best in Europe of that time. Hamilton was excelled by Madison in wisdom, large, sound, roundabout sense and perception of what the country would grant; and in his turn surpassed his rival in versatility and creative power.

On the last day of July, Morris sent to congress his budget for 1783, amounting at the least to nine millions of dollars, and he could think of no way to obtain this sum but by borrowing four millions and raising five millions by quotas. The best hopes of supporting the public credit lay in the proposal to endow congress with the right to levy a duty of five per cent on imports. "Congress," thus wrote Madison to sway the wavering legislature of Virginia, "congress cannot abandon the plan as long as there is a spark of hope. Nay, other plans, on a like principle, must be added. Justice, gratitude, our reputation abroad, and our tranquillity at home, require provision for a debt of not less than fifty millions of dollars; and I pronounce that this provision will not be adequately met by separate acts of the states. If there are not revenue laws which operate at the same time through all the states, and are exempt from the control of each, the mutual jealousies which begin already to appear among them will assuredly defraud both our foreign and domestic creditors of their just claims." But Rhode Island obstinately resisted the grant. The legislature of Massachusetts after long delays gave its consent, but its act received the veto of Hancock. The legislature insisted that the veto was invalid, because it was sent to the house a day too late; while the governor replied, that Sunday not being a day for business, his negative had been received within the limit of the constitution.¹

¹ From copies of papers furnished by Mr. Warner, the Massachusetts secretary of state. Whether Hancock succumbed to the two houses does not appear from the journals.

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1782. In the October session of 1782, Virginia definitively repealed its first act of assent, which it had previously suspended; giving this reason for its ultimate decision: "The permitting any power other than the general assembly of this commonwealth to levy duties or taxes upon the citizens of this state within the same is injurious to its sovereignty, may prove destructive of the rights and liberty of the people, and, so far as congress might exercise the same, is contravening the spirit of the confederation."

The words were darkly ominous, leaving congress for the time poverty-stricken, and seeming to throw in the way of a good government hindrances which never could be overcome. Yet union was already rooted in the heart of the American people. The device for its great seal, adopted by congress in midsummer, is the American eagle, as the emblem of that strength which uses victory only for peace. It therefore holds in its right talon the olive branch; with the left it clasps together thirteen arrows, emblems of the thirteen states. On an azure field over the head of the eagle appears a constellation of thirteen stars breaking gloriously through a cloud. In the eagle's beak is the scroll "E pluribus unum," many and one, out of diversity unity, the two ideas that make America great; individual freedom of states, and unity as the expression of conscious nationality. By further emblems, congress showed its faith that the unfinished commonwealth, standing upon the broadest foundation, would be built up in strength, that Heaven nodded to what had been undertaken, that "a new line of ages" had begun.

The earlier speeches in parliament of Shelburne against granting independence to the United States had left in America a distrust that was not readily removed; but the respective commanders-in-chief vied with each other in acts of humanity. The state of the treasury of the United States was deplorable. Of the quotas distributed among the states only four hundred and twenty-two thousand dollars were collected. Delaware and the three southern states paid nothing. Rhode Island, which paid thirty-eight thousand dollars, or a little more than a sixth of its quota, was proportionately the largest contributor. Morris wished to establish a solid continental system of finance, but taxes which were not likely ever to be paid could not be anticipated, and confidence had been squandered away. In spring he had written to Greene, but for whom he thought the line of Virginia might have been the boundary line: "You must continue your exertions with or without men, or provisions, clothing, or pay." For provisioning the northern army, he had made contracts which he was obliged to dissolve from want of means to meet them, and could only write to Washington: "I pray that Heaven may direct your mind to some mode by which we may be yet saved." By the payment of usurious rates, the army was rescued from being starved or disbanded. "Their patriotism and distress," wrote Washington in October, "have scarcely ever been paralleled, never been surpassed. The long-sufferance of the army is almost exhausted; it is high time for a peace."

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CHAPTER XXIX.

PEACE BETWEEN THE UNITED STATES AND GREAT BRITAIN.

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DE GRASSE, as he passed through London on parole, brought from Shelburne to Vergennes suggestions, which left Spain as the only obstacle in the way of peace. To conciliate that power, Jay was invited to Versailles, where, on the fourth of September, Rayneval sought to persuade him to resign for his country all pretensions to the eastern valley of the Mississippi, and with it the right to the navigation of that stream. Jay was inflexible. On the sixth, Rayneval sent him a paper containing a long argument against the pretensions of America to touch the Mississippi, or the great lakes; and on the next morning, after an interview with the Spanish ambassador, he set off for England, to establish a good understanding with Shelburne.

On the ninth, the departure of Rayneval came to the knowledge of Jay. On the tenth, a translation of an intercepted despatch from Marbois, the French

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secretary of legation at Philadelphia, against conceding a share in the great fishery to the Americans, was communicated to Jay and Franklin. Jay was thrown from his equipoise. Having excited the distrust of Shelburne by peremptorily breaking off the negotiation, he now, through an English agent, sent to the British minister, with whom he was wholly unacquainted, a personal request that he would for the present take no measures with Rayneval; giving as the reason, that it was the obvious interest of Britain immediately to cut the cords which tied the Americans to France. Franklin, who had vainly labored with his colleague to finish at once the treaty with England, strove as ever before to defeat all intrigues by hastening its consummation; and to this end he urged on the British government a compliance with the demand of a new commission for Oswald. Lord Grantham had assured him by letter that "the establishment of an honorable and lasting peace was the system of the ministers." "I know it to be the sincere desire of the United States," Franklin replied, on the day after reading the paper of Marbois; "and with such dispositions on both sides there is reason to hope that the good work in its progress will meet with little difficulty. A small one has occurred, with which Mr. Oswald will acquaint you. I flatter myself that means will be found on your part for removing it, and my best endeavors in removing subsequent ones (if any should arise) may be relied on;" but Franklin neither criminated France, nor compromised himself, nor his country, nor his colleague.

11.

Rayneval passed through London directly to Bow

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Wood, the country seat of Shelburne in the west of England. "I trust what you say as much as if Mr. de Vergennes himself were speaking to me," were the words with which he was welcomed. "Gibraltar," observed Rayneval, "is as dear to the king of Spain as his life." Shelburne answered: "Its cession is impossible: I dare not propose it to the British nation." "Spain wishes to become complete mistress of the Gulf of Mexico," continued Rayneval. On this point, Shelburne opened the way for concession, saying: "It is not by way of Florida that we carry on our contraband trade, but by way of Jamaica." Shelburne owned reluctantly the necessity of conceding independence to the United States, but was resolved to concede it without any reservation. "As to the question of boundaries and fisheries," observed Rayneval, "I do not doubt of the earnest purpose of the king to do everything in his power to restrain the Americans within the limits of justice and reason. Be their pretensions to the fisheries what they may, it seems to me that there is one sure principle to follow on that subject; namely, that the fishery on the high seas is *res nullius*, the property of no one, and that the fishery on the coast belongs of right to the proprietaries of the coasts, unless there have been derogations founded upon treaties. As to boundaries, the British minister will find in the negotiations of 1754, relative to the Ohio, the boundaries which England, then the sovereign of the thirteen United States, thought proper to assign them." To these insinuations, Shelburne, true to his words to Franklin, made no response.

With regard to the mediation offered by the

northern powers, he said: "We have no need of them: they can know nothing about our affairs, since it is so hard for us to understand them ourselves; there is need of but three persons to make peace, — myself, the Count de Vergennes, and you." "I shall be as pacific in negotiating as I shall be active for war, if war must be continued," he added, on the fourteenth. Rayneval replied: "Count de Vergennes will, without ceasing, preach justice and moderation. It is his own code, and it is that of the king." On the fifteenth, they both came up to London, where, on the sixteenth, Rayneval met Lord Grantham. Nothing could be more decided than his refusal to treat about Gibraltar. On the seventeenth, in bidding farewell to Rayneval, Shelburne said, in the most serious tone and the most courteous manner: "I have been deeply touched by everything you have said to me about the character of the king of France, his principles of justice and moderation, his love of peace. I wish, not only to re-establish peace between the two nations and the two sovereigns, but to bring them to a cordiality which will constitute their reciprocal happiness. Not only are they not natural enemies, as men have thought till now; but they have interests which ought to bring them nearer together. We have each lost consideration in our furious desire to do each other harm. Let us change principles that are so erroneous. Let us reunite, and we shall stop all revolutions in Europe." By revolutions he meant the division of Poland, the encroachments on Turkey, and the attempt of the court of Vienna to bring Italy under its control by seizing the fine harbors of Dalmatia.

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“There is another object,” continued Shelburne, “which makes a part of my political views; and that is the destruction of monopoly in commerce. I regard that monopoly as odious, though the English nation, more than any other, is tainted with it. I flatter myself I shall be able to come to an understanding with your court upon this subject, as well as upon our political amalgamation. I have spoken to the king on all these points. I have reason to believe that when we shall have made peace the most frank cordiality will be established between the two princes.” Rayneval reciprocated these views, and added: “Your principles on trade accord exactly with those of France; Count de Vergennes thinks that freedom is the soul of commerce.”

The British ministry were so much in earnest in their desire for peace with the United States, that a new commission was drafted for Oswald to conclude a peace or truce with commissioners of the thirteen United States of America, which were enumerated one by one. This concession was made after consultation with Lord Ashburton, who held that it was a matter of indifference, whether the title chosen by the American commissioners should be accepted by Oswald under the king’s authority, or directly by the king. The acknowledgment of independence was still reserved to form the first article of the treaty of peace. The change of form was grateful and honorable to the United States; but the king said: “I am so much agitated with a fear of sacrificing the interests of my country, by hurrying peace on too fast, that I am unable to add anything on that subject but the most frequent prayers to Heaven to guide me so

to act that posterity may not lay the downfall of this once respectable empire to my door; and that if ruin should attend the measures that may be adopted, I may not long survive them." The delay had given time to British creditors and to the refugees to muster all their strength and embarrass the negotiation by their importunities.

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On purely Spanish questions, Jay appears to the best advantage. On the twenty-sixth of September, Aranda, in company with Lafayette, encountered him at Versailles. Aranda asked: "When shall we proceed to do business?" Jay replied, "When you communicate your powers to treat." "An exchange of commissions," said Aranda, "cannot be expected, for Spain has not acknowledged your independence." "We have declared our independence," said Jay; "and France, Holland, and Britain have acknowledged it." Lafayette came to his aid, and told the ambassador that it was not consistent with the dignity of France that an ally of hers like the United States should treat otherwise than as independent. Vergennes pressed upon Jay a settlement of claims with Spain. Jay answered: "We shall be content with no boundaries short of the Mississippi."

26.

So soon as Oswald received his new commission, the negotiation, after the loss of a month, moved forward easily and rapidly. At the request of Franklin, Jay drew up the articles of peace. They included the clauses relating to boundaries and fisheries, which Franklin had settled with Oswald in July; to these Jay added a clause for reciprocal freedom of commerce, which was equally grateful to Franklin and Oswald, and a concession to the British of the free

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navigation of the Mississippi. For himself, he repeatedly insisted with Oswald, that West Florida should not be left in the hands of the Spaniards, but should be restored to England; and he pleaded "in favor of the future commerce of England as if he had been of her council, and wished to make some reparation for her loss," not duly considering the dangers threatening the United States, if England should hold both East and West Florida and the Bahama Islands.

Shelburne had hoped to make a distinction between the jurisdiction over the western country and property in its ungranted domain, so that the sales of wild lands might yield some compensation to the loyal refugees; but Jay insisted that no such right of property remained to the king. Oswald urged upon him the restoration of the loyalists to their civil rights; but Jay answered that the subject of pardon was one with which "congress could not meddle. The states being sovereigns, the parties in fault were answerable to them, and to them only." Oswald yielded on both points.

On sending over the draft of the treaty to the secretary of state, the British plenipotentiary wrote: "I look upon the treaty as now closed." Both Franklin and Jay had agreed that, if it should be approved, they would sign it immediately. Towards the French minister, they continued their reserve, not even communicating to him the new commission of Oswald.¹

¹ On m'a assuré que les négociations sur le fond étaient entamées et que le plénipotentiaire anglais était assez coulant. Mais je suis

dans l'impossibilité de rien vous dire de positif et de certain à cet égard, Messrs. Jay et Franklin se tenant dans la réserve la plus ab-

After the capture of Minorca by the Duke de Crillon, the French and Spanish fleets united under his command to reduce Gibraltar; and Count d'Artois, the brother of the king, passed through Madrid to be present at its surrender. But danger inspired the British garrison with an unconquerable intrepidity. By showers of red-hot shot, and by a most heroic sortie under General Elliot, the batteries which were thought to be fire-proof were blown up or consumed, and a fleet under Lord Howe was close at hand to replenish the stores of the fortress. The news of the catastrophe made Paris clamorous for peace. France, it was said, is engaged in a useless war for thankless allies. She has suffered disgrace in the West Indies while undertaking to conquer Jamaica for Spain; and it now shares in the defeat before Gibraltar. Vergennes saw that France needed and demanded repose. To obtain a release from his engagement to Spain, he was ready to make great sacrifices on the part of his own country, and to require them of America. Congress was meanwhile instructing Franklin "to use his utmost endeavors to effect the loan of four millions of dollars through the kind and generous exertions of the king of France;" and on the third of October it renewed its resolution to hearken to no propositions for peace except in confidence and in concert with him. On the fourteenth of the same month, Vergennes thus explained to the French envoy at Philadelphia the policy of France: "If

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solue à mon égard. Ils ne m'ont même pas encore remis copie du plein pouvoir de Mr. Oswald. Je pense, Monsieur, qu'il sera utile que vous disiez cette particularité à Mr. Livingston, afin qu'il puisse

s'il le juge à propos ramener les deux plénipotentiaires américains à la teneur de leurs instructions. Vergennes to Luzerne, 14 Oct., 1782.

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we are so happy as to make peace, the king must then cease to subsidize the American army, which will be as useless as it has been habitually inactive. We are astonished at the demands which continue to be made upon us while the Americans obstinately refuse the payment of taxes. It seems to us much more natural for them to raise upon themselves, rather than upon the subjects of the king, the funds which the defence of their cause exacts." "You know," continued Vergennes, "our system with regard to Canada. Everything which shall prevent the conquest of that country will agree essentially with our views. But this way of thinking ought to be an impenetrable secret for the Americans. Moreover, I do not see by what title the Americans can form pretensions to lands on Lake Ontario. Those lands belong to the savages or are a dependency of Canada. In either case, the United States have no right to them whatever. It has been pretty nearly demonstrated, that to the south of the Ohio their limits are the mountains following the shed of the waters, and that everything to the north of the mountain range, especially the lakes, formerly made a part of Canada. These notions are for you alone; you will take care not to appear to be informed about them, because we so much the less wish to intervene in the discussions between the Count de Aranda and Mr. Jay, as both parties claim countries to which neither of them has a right, and as it will be almost impossible to reconcile them."

When the draft of the treaty with the United States, as agreed to by Oswald, came back to England, the offer of Jay of the free navigation of the

Mississippi was gladly accepted; but that for a reciprocity of navigation and commerce was reserved. The great features of the treaty were left unchanged; but the cabinet complained of Oswald for yielding everything, and gave him for an assistant Henry Strachey, Townshend's under-secretary of state. On the twentieth of October, both of the secretaries of state being present, Shelburne gave Strachey three points specially in charge: No concession of a right to dry fish on Newfoundland; a recognition of the validity of debts to British subjects contracted by citizens of the United States before the war; but, above all, adequate indemnity for the confiscated property of the loyal refugees. This last demand touched alike the sympathy and the sense of honor of England. The previous answer that the commissioners had no power to treat on the business of the loyalists was regarded as an allegation that, though they claimed to have full powers, they were not plenipotentiaries; that they were acting under thirteen separate sovereignties, which had no common head. To meet the exigence, Shelburne proposed either an extension of Nova Scotia to the Penobscot or the Kennebec or the Saco, so that a province might be formed for the reception of the loyalists; or that a part of the money to be received from sales of the Ohio lands might be applied to their subsistence. To the ministry, it was clear that peace, if to be made at all, must be made before the coming together of parliament, which had been summoned for the twenty-fifth of November.

While the under-secretary of state was sent to re-enforce Oswald, the American commission was

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recruited by the arrival of John Adams. He had prevailed on the United Provinces to acknowledge the independence of the United States, and to form with them a treaty of commerce. He was greatly elated at his extraordinary success, and he loved to have it acknowledged; but flattery never turned him aside from public duty, for he looked upon the highest praise as no more than his due, and as investing him with new rights to stand up fearlessly for his country. He left Vergennes to find out his arrival through the police. Franklin had hitherto warded off the demand that the treaty of peace should guarantee to English merchants the right to collect debts that had been due to them in the United States, because the British armies had themselves in many cases robbed the merchants of the very goods for which the debts were incurred; and had wantonly and contrary to the laws of war destroyed the property which could have furnished the means of payment. The day after Strachey's arrival in Paris, Adams, encountering him and Oswald at the house of Jay, to their surprise and delight blurted out his assent to the proposed stipulation for the payment of debts. In the evening of the same day, Adams called for the first time on Franklin, who at once put him on his guard as to the British demands relating to debts and compensation of tories; but he could not recall his word.

30. On the thirtieth, the American commissioners met Oswald and Strachey, and for four several days they discussed the unsettled points of the treaty. Jay and Franklin had left the north-eastern boundary to be settled by commissioners after the war. It is

due to John Adams, who had taken the precaution to obtain from the council of Massachusetts authenticated copies of every document relating to the question, that it was definitively established in the treaty itself. On the north-west it was agreed that the line should be drawn through the centre of the water communications of the great lakes to the Lake of the Woods. The British commissioners denied to the Americans the right of drying fish on Newfoundland. This was, after a great deal of conversation, agreed to by John Adams as well as his colleagues, upon condition that the American fishermen should be allowed to dry their fish on any unsettled parts of the coast of Nova Scotia. Franklin said further: "I observe as to catching fish you mention only the banks of Newfoundland. Why not all other places, and among others the gulf of St. Lawrence? Are you afraid there is not fish enough, or that we should catch too many, at the same time that you know that we shall bring the greatest part of the money we get for that fish to Great Britain to pay for your manufactures?"¹ And this advice was embodied in the new article on the fisheries.

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On the fourth of November, Adams and Jay definitively overruled the objections of Franklin to the recognition by treaty of the validity of debts contracted before the war. Pluming himself exceedingly on having gained this concession, Strachey wrote to the secretary of state that Jay and Adams would likewise assent to the indemnification of the refugees rather than break off the treaty upon such a point.² On the other hand, Franklin, in reply to

¹ Lansdowne House MSS.² Strachey to secretary of state, Private, Calais, 8 Nov., 1782.

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a letter which he had received from the secretary, Townshend, gave an earnest warning: "I am sensible you have ever been averse to the measures that brought on this unhappy war; I have, therefore, no doubt of the sincerity of your wishes for a return of peace. Mine are equally earnest. Nothing, therefore, except the beginning of the war, has given me more concern than to learn at the conclusion of our conferences that it is not likely to be soon ended. Be assured no endeavors on my part would be wanting to remove any difficulties that may have arisen, or even if a peace were made to procure afterwards any changes in the treaty that might tend to render it more perfect and the peace more durable;" and then, having in his mind the case of the refugees, he deprecated any instructions to the British negotiators that would involve an irreconcilable conflict with those of America. At the same time, he persuaded Adams and Jay to join with him in letters to Oswald and to Strachey, expressing in conciliatory language their unanimous sentiments that an amnesty more extensive than what had already been agreed to could not be granted to the refugees.

Before Strachey reached London with the second set of articles for peace, the friends of Fox had forgotten their zeal for American independence. All parties unanimously demanded amnesty and indemnity for the loyalists. Within the cabinet itself, Camden and Grafton were ill at ease; Keppell and Richmond inclining to cut loose. The king could not avoid mentioning "how sensibly he felt the dismemberment of America from the empire:" "I should be miserable indeed," said he, "if I did not

feel that no blame on that account can be laid at my door." Moreover, he thought so ill of its inhabitants, that "it may not," he said, "in the end be an evil that they will become aliens to this kingdom."

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In the general tremulousness among the ministers, Townshend and William Pitt remained true to Shelburne; and a third set of articles was prepared, to which these three alone gave their approval. There was no cavilling about boundaries. All the British posts on the Penobscot, at New York and in Carolina, at Niagara and at Detroit, were to be given up to the United States, and the country east of the Mississippi and north of Florida was acknowledged to be theirs. The article on the fishery contained arbitrary restrictions copied from former treaties with France; so that the Americans were not to take fish within fifteen leagues of Cape Breton, or within three leagues of any other British isle on the coast in America. Not only indemnity for the estates of the refugees, but for the proprietary rights and properties of the Penns and of the heirs of Lord Baltimore, was to be demanded. "If they insist in the plea of the want of power to treat of these subjects," said Townshend, "you will intimate to them in a proper manner that they are driving us to a necessity of applying directly to those who are allowed to have the power."

19.

"If the American commissioners think that they will gain by the whole coming before parliament, I do not imagine that the refugees will have any objections," added Shelburne. Fitzherbert, the British minister in Paris, was instructed to take part in the American negotiations; and, with his approval

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and that of Strachey, Oswald was empowered to sign a treaty. Authority was given to Fitzherbert to invoke the influence of France to bend the Americans. Vergennes had especially pleaded with them strongly in favor of the refugees. In the hope of a settlement, parliament was prorogued to the fifth of December.

23.

On the same day on which the final instructions to Oswald were written, Vergennes declared in a letter to Luzerne: "There exists in our treaties no condition which obliges the king to prolong the war in order to sustain the ambitious pretensions which the United States may form in reference to the fishery or the extent of boundaries."¹ "In spite of all the cajoleries which the English ministers lavish on the Americans, I do not promise myself they will show themselves ready to yield either in regard to the fisheries, or in regard to the boundaries as the American commissioners understand them. This last subject may be arranged by mutual sacrifices and compensations. But as to the first, in order to form a settled judgment on its probable issue, it would be necessary to know what the Americans understand by the fishery. If it is the drift fishery on banks remote from the coast, it seems to me a natural right; but if they pretend to the fisheries as they exercised them by the title of English subjects, do they, in the name of justice, think to obtain rights attached to the condition of subjects which they renounce?"

¹ Elle a donné occasion à la plupart des délégués de s'expliquer d'une manière décente et convenable sur leur fidélité à l'alliance et sur leur attachement à en remplir toutes les conditions. Le Roi ne sera pas moins exact à les tenir de son côté, mais il n'en existe aucune

dans nos traités qui l'oblige à prolonger la guerre pour soutenir les prétentions ambitieuses que les États-Unis peuvent former, soit par rapport à la pêche, soit par rapport à l'étendue des limites." Vergennes to Luzerne, 23 Nov., 1782.

France would not prolong the war to secure to the Americans the back lands and the fisheries; the Americans were still less bound to continue the war to obtain Gibraltar for Spain.

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Early in the morning of the twenty-fifth, the king was urging Shelburne to confide in Vergennes his "ideas concerning America," saying, "France must wish to assist us in keeping the Americans from a concurrent fishery, which the looseness of the article with that people as now drawn up gives but too much room to apprehend." Before Shelburne could have received the admonition, Adams, Franklin, and Jay met Oswald and Strachey at Oswald's lodgings. Strachey opened the parley by an elaborate speech, in which he explained the changes in the article on the fisheries, and that "the restitution of the property of the loyalists was the grand point upon which a final settlement depended. If the treaty should break off, the whole business must go loose, and take its chance in parliament." Jay wished to know if Oswald could now conclude the treaty; and Strachey answered that he could, absolutely. Jay desired to know if the propositions he had brought were an ultimatum. Strachey seemed loath to answer, but at last said, no. That day, and the three following ones, the discussion was continued.

28.

29.

On the twenty-ninth, Strachey, Oswald, and Fitzherbert, on the one side, and Jay, Franklin, Adams, and, for the first time, Laurens, on the other, came together for their last word, at the apartments of Jay. The American commissioners agreed that there should be no future confiscations nor prosecutions of loyalists; that all pending prosecutions should be

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discontinued; and that congress should recommend to the several states and their legislatures, on behalf of the refugees, amnesty and the restitution of their confiscated property. Strachey thought this article better than any of the modifications proposed in England, and congratulated himself on his triumph. The question of the fisheries more nearly concerned Oswald. Against the British draft, John Adams spoke with the more effect as it rested not on the principle of the law of nations, but created an arbitrary restriction; and, with the support of every one of his colleagues, he declared he would not set his hand to the treaty unless the limitations were stricken out. After long altercations the article was reduced to the form in which it appears in the treaty, granting to the United States equal rights with British fishermen to take fish on the coast of Newfoundland, and on the coasts, bays, and creeks of all other British dominions in America.

At this stage, Strachey and Fitzherbert gave the opinion that it would be necessary to consult the government at home. "We can wait," answered Adams, "till a courier goes to London." The reference would have carried the whole matter into parliament, and so would have been fatal to the treaty. Franklin saw the danger and interposed: "If any further delay should be made, the clause insuring to the subjects of Great Britain the right of recovering their debts in the United States must also be reconsidered." But on this article Strachey prided himself as his greatest success; and, rather than expose it to risk, he joined with Oswald. Fitzherbert, now left alone, reflected that peace with the United States

would be the best means of forcing France and Spain to declare their ultimatum ; and he, too, gave in his consent.

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On the thirtieth, the commissioners of both countries signed and sealed fair copies of the convention. Thus far no word in it had, except indirectly, indicated the existence of slavery in the United States. On the demand of Laurens, a clause was interlined, prohibiting, on the British evacuation, the "carrying away any negroes or other property of the inhabitants." So the treaty of peace, which already contained a confession that the United States were not compacted into one nation, made known that in their confederacy men could be held as property ; but it, as interpreted alike by American and English statesmen, included free negroes among the citizens of the United States. In the hope of preventing the possibility of a future dispute about boundaries, they were marked interchangeably by a strong line on copies of the map of America by Mitchell.

The articles of peace, though entitled provisional, were made definitive by a declaration in the preamble. Friends of Franklin gathered around him, and as the Duke of Rochefoucauld kissed him for joy, "My friend," said Franklin, "could I have hoped at such an age to have enjoyed so great happiness?" The treaty was not a compromise, nor a compact imposed by force, but a free and perfect solution, and perpetual settlement of all that had been called in question. By doing an act of justice to her former colonies, England rescued her own liberties at home from imminent danger, and opened the way for

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their slow but certain development. The narrowly selfish colonial policy which had led to the cruel and unnatural war was cast aside and forever by Great Britain, which was henceforward as the great colonizing power to sow all the oceans with the seed of republics. For the United States, the war, which began by an encounter with a few husbandmen embattled on Lexington Green, ended with their independence, and possession of all the country from the St. Croix to the south-western Mississippi, from the Lake of the Woods to the St. Mary. In time past, republics had been confined to cities and their dependencies, or to small cantons; and the United States avowed themselves able to fill a continental territory with commonwealths. They possessed beyond any other portion of the world the great ideas of their age, and enjoyed the practice of them by individual man in uncontrolled faith and industry, thought and action. For other communities, institutions had been built up by capitulations and acts of authoritative power; the United States of America could shape their coming relations wisely only through the widest and most energetic exercise of the right inherent in humanity to deliberation, choice, and assent. While the constitutions of their separate members, resting on the principle of self-direction, were, in most respects, the best in the world, they had no general government; and as they went forth upon untried paths, kings expected to see the confederacy fly into fragments, or lapse into helpless anarchy. But, for all the want of a government, their solemn pledge to one another of mutual citizenship and perpetual union made them one

people ; and that people was superior to its institutions, possessing the vital force which goes before organization, and gives to it strength and form. Yet for success the liberty of the individual must know how to set to itself bounds ; and the states, displaying the highest quality of greatness, must learn to temper their rule of themselves by their own moderation.

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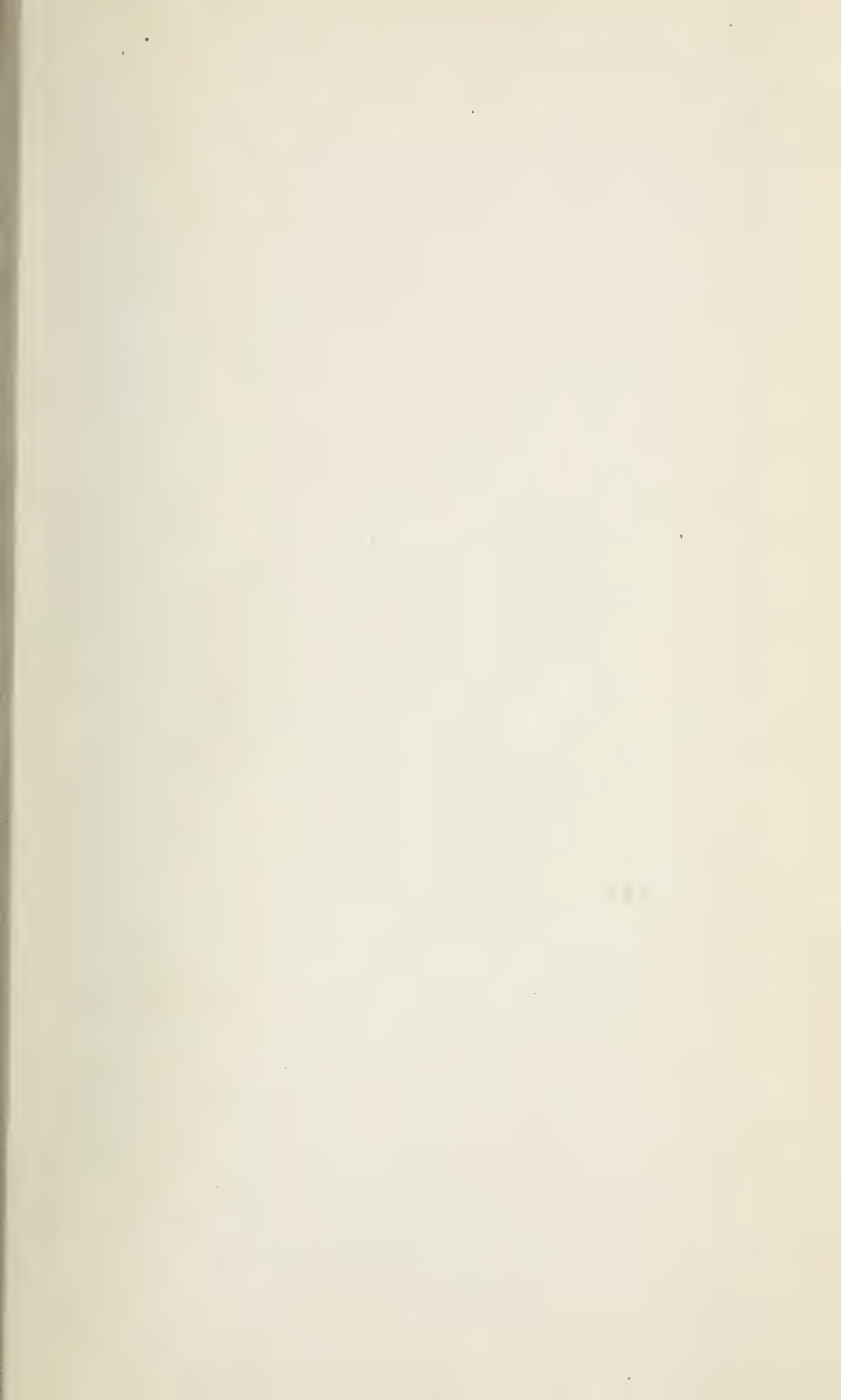
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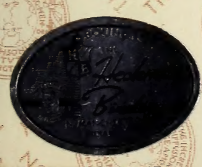
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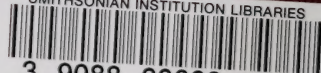








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